The Works of James Buchanan

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No.....

THE WORKS

OF

JAMES BUCHANAN

Comprising his Speeches, State Papers,
and Private Correspondence

Collected and Edited
By
JOHN BASSETT MOORE

VOLUME VI
1844-1846

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THE WORKS

OF

JAMES BUCHANAN

TO MRS. ROOSEVELT.[1]

WASHINGTON 13 May 1844.

MY DEAR MADAM/

I shall make Colonel King the bearer of this Despatch. He & Dr. Martin will be able to give you all the news from your native land. I fear that his appointment to the French Mission may induce you to remain longer abroad than you would otherwise have done or than your friends would willingly tolerate. Whilst I was delighted to learn the attentions which you had received & which you can every where attract; I was sorry to entertain the apprehension that your affections might be alienated from your own Country & fixed upon the aristocratic society of Europe. Do not suffer such a feeling to gain possession of your heart. It will banish content from your bosom & render you unhappy in the land where Providence has cast your lot.

I can give you but little news of the gay world of Washington. I have been incessantly occupied during the Session & have gone very little into society. How changed for me the gay

[1] Buchanan Papers, Historical Society of Pennsylvania; Curtis's Buchanan, I. 518. The lady to whom this letter was addressed was the wife of James J. Roosevelt, once a justice of the Supreme Court of the State of New York, who held the office of United States district attorney at New York during a part of President Buchanan's administration. Mrs. Roosevelt was the daughter of Cornelius P. Van Ness, once governor of Vermont, and was a leader in New York society, besides being active in benevolent and charitable enterprises. "She, as well as her husband," says J. Buchanan Henry, Esq., in a letter to the editor, "was always a friend and admirer of President Buchanan. She was in all respects a most agreeable and clever lady and a gifted hostess."

world has been since you left us: and I might add that Mr. Ingersoll is nearly as great an admirer as myself. I have not seen your neighbour, the divine Julia, for many weeks, nor attended any of her soirées except one. With all her follies & foibles, she is a lady; and this implies much. When we meet, she always talks about you, & no subject could be more agreeable to me.

As you doubtless receive all the gossip of this City from your lady correspondents; and as Col: King & Dr. Martin will be able to supply any deficiencies, I shall communicate the political intelligence.

The Whigs have held their National Convention at Baltimore & consider Mr. Clay as good as elected. They are high in hope & burning with enthusiasm. Nevertheless, they may yet have cause to realize the truth of the saying in scripture:— "Let not him that putteth on his armor boast as he who taketh it off." It cannot be denied, however, that the Democratic party are at present in a sad condition. Our National Convention will meet at Baltimore on this day two weeks, and a large majority of the Delegates have been instructed or pledged to vote for Mr. Van Buren; whilst many & perhaps most of these delegates believe that if nominated, he will be beaten. His letter against the immediate annexation of Texas to the Union has mainly produced this effect, though he was not popular before. Had he seized the occasion which was presented to him & followed in the footsteps of his illustrious predecessor by coming out boldly for Texas, he might & most probably would have been elected President; but his chance of ever again reaching this elevated station is now gone forever. I know you will not break your heart on that account & personally I should not; but politically I prefer him to Mr. Clay as much as I prefer political good to political evil, though I like the Kentuckian.

If Mr. Van Buren should withdraw, & the Democratic party could unite on any man (& I think they could) we might yet elect our candidate. I fear, however, that he will not pursue this course; and should another be nominated in opposition to him, this will only make confusion worse confounded for such a nomination would involve the violation of instructions,—a doctrine always odious to the Democracy. It is true that the new question of Texas has arisen since the instructions were voted & this would be the pretext or the apology for his abandonment; but many would not consider this a sufficient cause. Col: Benton, Mr. Wright, Mr. Allen, Mr. Tappan, Mr. Atherton & probably Mr. Fairfield agree with Mr. Van Buren on the Texas

question: the remainder of the Democratic Senators will go with "old Hickory" for immediate annexation.

You regret my withdrawal & to me it is a source of sincere pleasure to believe that you feel an interest in my fate; but I confess I am yet fully convinced that I pursued the wise & proper course. I withdrew because a large majority of the Delegates had been instructed to support Mr. Van Buren & I wished to banish discord & promote harmony in our ranks. Should he now withdraw, I might, with honor, resume my old position: but should he persist, if nominated, I should be defeated. A very strong party in the South would now favor my nomination; because the Texas question has absorbed the Anti-Tariff feeling there & in all other respects I should be acceptable to that portion of the Union; but I confess that if I should ever run for the Presidency, I would like to have an open field & a fair start. The battle has already been more than half fought, between Clay & Van Buren; and it would be difficult for any new man to recall the forces which have already gone over to the enemy.— I thus manifest the unbounded confidence which I have in your discretion & friendship, by writing to you opinions which I have never mentioned freely in conversation to any other person. Should little Van be again nominated, he shall receive my active support.

I envy Colonel King the pleasure of meeting you & would give any thing in reason to be of the party for a single week. I am now "solitary & alone," having no companion in the house with me. I have gone a wooing to several gentlemen, but have not succeeded with any one of them. I feel that it is not good for man to be alone; and should not be astonished to find myself married to some old maid who can nurse me when I am sick, provide good dinners for me when I am well & not expect from me any very ardent or romantic affection.

Col: King takes out with him Mrs. Ellis, his niece. I was acquainted with her some years ago & liked her very much. I hope you will be of the same opinion.

Please to remember me in the kindest terms to Mr. Roosevelt & to Jemmy, who will remember me as long as he shall remember hickory oil.

Believe me that wherever you roam my kindest regards will follow you & no friend on earth will greet your arrival in your native land with more joy than myself. Ever your friend most

Sincerely & respectfully

Mrs. Cornelia Roosevelt. James Buchanan.

TO MESSRS. FOSTER AND BREWSTER.[1]

WASHINGTON 25 May 1844.

GENTLEMEN/

I feel no hesitation whatever in giving your questions a frank & explicit answer.

And first:—Against Mr. Van Buren I cannot be a candidate before the National Convention. After a large majority of the Delegates to that Convention had either been instructed or pledged to support him, I voluntarily withdrew my name as a candidate for the purpose of concentrating the strength & thus securing the triumph of the party. In consequence of this act of mine, the Delegates from my own State have been instructed to support him, & I am thus placed in such a position that I feel myself bound both in honor & principle not to become his competitor.

2. Should Mr. Van Buren, after a fair trial, either be withdrawn by his friends, or should they be satisfied that he cannot obtain the nomination: & the Delegates from Pennsylvania be thus left at liberty to make a second choice,—in that event I should feel myself restored to my original position & they would then have my consent to present my name if they thought proper as a candidate to the Convention.

From your friend very respectfully

JAMES BUCHANAN.

GENERAL HENRY D. FOSTER & BENJAMIN H. BREWSTER ESQUIRE.

REMARKS, JUNE 1, 1844,

ON THE NATURALIZATION LAWS.[2]

Mr. Buchanan presented a memorial numerously signed by citizens of Philadelphia, asking for such alteration in the naturalization laws as will require from all foreigners, desirous of becom-

[1] Buchanan Papers, Historical Society of Pennsylvania; Curtis's Buchanan, I. 520. This letter was addressed to two delegates to the Democratic Convention at Baltimore, on the eve of its assembling. Henry D. Foster, born at Mercer, Pennsylvania, in 1812, was by profession a lawyer. He served in the legislature of Pennsylvania, and was several times elected to Congress. In 1860 he was the Democratic candidate for governor of Pennsylvania.

[2] Cong. Globe, 28 Cong. 1 Sess. XIII. 634–635.

ing citizens of the United States, a residence of 21 years after their declaration of becoming such, before they can be admitted to the same political privileges as native citizens.

In presenting this memorial, Mr. B. observed, that whilst it always afforded him pleasure to comply with the request of any portion of his constituents, he felt himself constrained by a sense of duty to declare that he could not advocate the prayer of the memorialists. He was opposed to any change in the naturalization laws, and could not consent that a foreigner should be compelled to remain in this country so long a period as twenty-one years, after declaring his intention to become a citizen of the United States, before he could carry his intention into execution. The memorialists are anxious that this question should be decided with as little delay as possible; and he thought there were imperative reasons why this should be done. He would, therefore, move the reference of the memorial to the Judiciary Committee, with the expression of a strong desire that they might report upon it with as little delay as possible.

It was accordingly referred.

SPEECH, JUNE 8, 1844,

ON THE ANNEXATION OF TEXAS.[1]

Mr. President: The present is a question of transcendent importance. For weal or for woe—for good or for evil, it is more momentous than any question which has been before the Senate since my connection with public affairs. To confine the consequences of our decision to the present generation would be to take a narrow and contracted view of the subject. The life of a great nation is not to be numbered by the few and fleeting years which limit the period of man's existence. The life of such a nation must be counted by centuries and not by years. "Nations unborn and ages yet behind" will be deeply affected in their moral, political, and social relations by the final determination of this question. Shall Texas become a part of our glorious confederacy; shall she be bone of our bone and flesh of our flesh; or shall she become our dangerous and hostile rival? Shall our

[1] Cong. Globe, 28 Cong. 1 Sess. XIII., Appendix, 720–727. This speech was made in the executive session of the Senate, but the injunction of secrecy was removed.

future history and hers diverge more and more from the present point, and exhibit those mutual jealousies and wars which, according to the history of the world, have ever been the misfortune of neighboring and rival nations; or shall this history be blended together in peace and harmony? These are the alternatives between which we must decide. I do not mean, by these remarks, merely to refer to the vote of the Senate which will be recorded to-day upon the treaty; but to that ultimate and final decision of the question which must be made within a brief period.

Texas now presents herself before you, and asks to be admitted as a territory into your confederacy. How natural is it that she should desire this reunion, and be ready to rush into your arms! A sister, separated from the family, and in a land of strangers, loves her happy home with more intense ardor than those who have never been deprived of its blessings. She longs to return to it, and counts the days and the months until the blessed period of reunion shall arrive. Such are the feelings of Texas. Ever since she became independent of the foreign nation to whom we had bartered her away, she has cast a "longing, lingering look" back upon the family altar. She has again and again applied to be restored, and has as often been repulsed by her sisters. But all this has not yet estranged her heart from the family. She now makes, I fear, a last appeal; and shall we drive her away in despair, to form alliances with strangers? I trust not. We ought to be careful how we longer repulse her advances and reject her suit. We ought to remember that love turned to hate is the most bitter feeling of the human heart.

I know that it is generally in bad taste for any senator to speak of the purity of his own motives; but the Senate, I trust, will pardon me for declaring that I kept my mind entirely open —entirely free from prejudice or prepossession—on the question of this treaty, until I had made myself acquainted with all the facts and circumstances which could enlighten my judgment. Indeed, until the present moment, I stand wholly uncommitted by any public declaration on the subject, although my opinions have been often asked for publication, from the most respectable quarters. I deem myself justified in making these remarks by the playful allusion which has been made, in the course of the debate, to my position as a candidate for the presidency, and to the influence which this might have exerted on my judgment. But I have not been a candidate for that office since December last, when, it is well known, I voluntarily withdrew my name

from the canvass; and never have I for a single moment repented of that act. A large majority of the delegates to the national convention had then been either instructed or had declared their intention to support the nomination of Mr. Van Buren; and I was not so selfish as to suffer my humble pretensions to become an obstacle to the harmony of the democratic party. The delegates from my own State were afterwards instructed to support him; and I have since exerted myself, on more than one occasion, to prevent hostile movements against him, and to keep my own name from being even mentioned as his competitor, before the Baltimore convention, in any contingency. But enough, and too much, of myself.

In discussing the present question, I shall not stop to inquire into the character of the message and correspondence which accompany the treaty; neither shall I investigate the motives which impelled Mr. Tyler to enter upon the negotiation. It is sufficient for me that the treaty has been concluded, and is now constitutionally before the Senate for our ratification or rejection. Upon this treaty I must vote ay, or no, on my responsibility as a senator; and I shall be governed, in my vote, not by the arguments which have been urged in its favor by the present administration, but by the provisions of the treaty itself. The means employed in obtaining it are but the scaffolding to this magnificent edifice erected to the union, permanence, and security of our glorious confederacy, and have now become useless rubbish. Thus, sir, I relieve myself at once from the discussion of the voluminous correspondence accompanying the treaty, which has engaged so much of the attention of other senators.

In order clearly to understand the origin and nature of the question, it may here be proper to present a brief sketch of the history of Texas. By the treaty of Louisiana of 30th April, 1803, the United States acquired this province from France. Every American statesman who has treated of the subject, from Mr. Jefferson down to the distinguished senator from Missouri, [Mr. Benton,] is clear and strong in this conviction. "The facts and principles which justify this conclusion," say Messrs. Monroe and Pinckney to the Spanish commissioner, in 1805, "are so satisfactory to our government as to convince it that the United States have not a better right to the island of New Orleans than they have to the whole district of territory west to the Del Norte." And what was the eloquent language of the senator from Missouri, in view of the negotiations pending in 1818, and which

resulted in the cession of Texas to Spain? "The magnificent valley of the Mississippi is ours," says he, "with all its fountains, springs, and floods; and woe to the statesman that shall undertake to surrender one drop of its water—one inch of its soil—to any foreign power." Under this treaty of Louisiana, we entered into a solemn agreement with France that the inhabitants of the ceded territory "should be incorporated into the Union of the United States, as soon as possible, according to the principles of the federal constitution," and should, in the mean time, be protected in the free enjoyment of their liberty, property, and religion.

In what manner have we redeemed our faith thus plighted to France? Texas was ours; but it is ours no longer. In violation of the treaty of Louisiana, we ceded Texas to Spain by the Florida treaty of 1819. We thus dismembered the valley of the Mississippi, and extended the boundary of a foreign nation along our most weak and defenceless frontier. It is not my present purpose to inquire who, or whether any person, is to blame for this dismemberment of our territory. It is now sufficient for me to state the fact.

In the course of human events, this territory has again been presented to us for our acceptance. When we ceded it to Spain, it was almost a wilderness; but it is now peopled by our sons, our brothers, and our kindred, who have convinced the world, by their bravery, that they are worthy of their breeding. They offer to return to our bosom themselves, and to restore to us this fine and fertile country which we had lost—a country more extensive than France, and naturally as beautiful, and blessed with almost every variety of soil and climate. And shall we reject this munificent donation? They justly appreciate a union with us as the highest privilege which any political community on earth can enjoy, and are willing to surrender themselves and their all to become free and sovereign States of our confederacy. And yet such a union has been denominated by the senator from Rhode Island [Mr. Simmons] the extermination of Texas! Far, very far from it. It will be blending her lone star with our glorious constellation; and the concentrated rays emanating from all will thus shed a far more effulgent and genial influence upon her than if she remained in solitary isolation.

If the people of Texas were divided upon the question of reunion, this would be conclusive with me against the treaty. But since the world began, no record exists of a political com-

munity, enjoying freedom of opinion, which has been so united upon any great question of policy as are the people of Texas in favor of annexation. Why, sir, upon a solemn vote in 1836, when they adopted their constitution, there were but ninety-three dissenting voices throughout the whole territory. They have since, again and again, with equal unanimity, applied for admission into our Union; and if there be at the present moment a single man in Texas opposed to the measure, he has never raised his voice against it, although for several months the question has been publicly discussed throughout that republic. The letter of the members of the late Texian Congress to the senator from Missouri, [Mr. Benton,] invoking his powerful interposition in favor of annexation, affords the most positive and conclusive evidence of the unanimity of their constituents at the present moment.

The unanimous and enthusiastic agreement of the people of Texas in favor of annexation furnishes a conclusive answer to two of the objections which have been strenuously urged against the treaty. It has been urged that, under the constitution of Texas, the treaty-making power have no authority to cede their country to the United States. But suppose, without admitting, this to be the fact: what would be the consequence? I care not what may be their organic law, if we have conclusive evidence that the whole people who framed it desire to be annexed to the Union. This universal consent dispenses with the necessity of pursuing the tedious forms prescribed for amending their constitution. The sovereign people of any country, when united, can dispense with all the constitutional forms which they themselves have prescribed for the government and control of their own servants. In the case of Texas, no man doubts this unanimity; and the question of annexation was decided by the people simultaneously with the adoption of their constitution, and, in point of fact, if not in form, constitutes a part of it. Under these circumstances, this constitution can never be interposed as a barrier to arrest the people of Texas in the pursuit of what has ever been their favorite object.

But again: It has been urged that this treaty has been obtained from Texas by false suggestions and pretences, and that for this reason it ought not to be ratified by the Senate. It has been compared by the senator from Kentucky [Mr. Crittenden] to a deed obtained by fraud; and he asks, if a man's agent has obtained a deed by such means, ought the principal, as an honest

man, to accept it? I answer, yes, most certainly, if the grantor not only consents to it with a full knowledge of all the circumstances, but, as in the case of Texas, earnestly urges its acceptance upon the grantee. I have said before that I shall not enter upon the wide field presented by the correspondence accompanying the treaty, which has been so minutely explored by other senators. If the President has done any wrong in the beginning, (which I do not admit,) the subsequent enthusiastic assent of Texas cures all defects.

In the further discussion of this subject, I shall first present to the Senate some of the specific reasons why Texas ought to be annexed to the Union, and shall then answer a few of the most prominent objections which have been urged against its annexation.

And, in the first place, Texas ought to be annexed to the Union because the possession of this territory is necessary to our defence, peace, and security. The treaty of 1819, with Spain, abandoned our natural limits. It yielded up the boundary of a great river—the Del Norte—of a desert, and of a chain of mountains, for a mere arbitrary line. Whoever casts his eyes upon the map will be convinced of this truth. This treaty gave a foreign nation territory upon the banks of two of our noblest rivers—the Arkansas and the Red River—both tributaries of the Mississippi; and thus laid the foundation of perpetual disputes concerning their navigation.—These disputes have already commenced between us and Texas. Such river questions have ever been a source of perpetual contest between conterminous nations. The republic of Texas now approaches the immediate vicinity of New Orleans, and thus our weakest frontier is exposed. All will admit that General Jackson is a high authority on military questions. In his letter to Mr. Brown of the 12th February, 1843, he renders it clear, that, should Texas form an alliance with Great Britain, in case of war, our weak southwestern frontier would be left open, and exposed to the invasion of this powerful and hostile nation; and that the means would thus be placed under its control of exciting a servile insurrection within our borders. On the other hand, if Texas were annexed to the United States, "our western boundary (says the General) would be the Rio del Norte, which is of itself a fortification, on account of its extensive, barren, and uninhabitable plains. With such a barrier on our West, we are invincible. The whole European

world could not, in combination against us, make an impression on our Union." But I shall not enlarge further upon this point.

In the second place, Texas ought to be annexed to the United States, because this would greatly increase our internal commerce, extend the market for our domestic manufactures, and bind the Union together by still stronger bonds; but, on the other hand, should you reject Texas, she will necessarily form a commercial alliance with our great rival, England, who would thus secure to herself the finest cotton-growing region of the earth, at our expense, and to the lasting injury and prejudice of all our great interests.

It has been estimated that our internal commerce, or home trade, is already fifteen times as great as our commerce with foreign nations. The acquisition of Texas would, in a very few years, vastly increase this domestic trade. The manufactures of the North would here find an ever-growing market; whilst our commercial marine and our steam vessels would obtain profitable employment in transporting the cotton, the sugar, and other agricultural productions of Texas, not only throughout the Union, but over the world. Ours will be a glorious system of free trade, and the only one which the jealousy and the interest of foreign nations will ever permit us to enjoy. Should Texas be annexed, and our Union preserved, there are human beings now in existence who will live to see one hundred millions of freemen within its limits, enjoying all the benefits of free trade and unrestricted commerce with each other. Henry the Great, of France, more than two hundred years ago, conceived the magnificent idea—it was called his grand design—of dividing Europe into fifteen confederated states, for the purpose of preserving peace and promoting free commerce among its different nations. He died in the execution of this grand design, which was alone sufficient to entitle him to the name of Great. The States of Germany have confederated in the Zoll Verein league, for the purpose of enjoying the benefits of free trade among themselves; and their prosperity has ever since been rapidly increasing. If we are wise, we shall have a system of free trade at home on a more extensive scale than any which the world has ever witnessed, arousing an energy and activity of competition which will result in a most rapid improvement in all that contributes to the welfare and happiness of the human race. It is only thus that we can fulfil our high destinies, and run the race of greatness for which we are ordained. The time has passed away when serious fears can

be entertained from an extension of our Union, although I admit that the Del Norte seems to be the boundary prescribed by nature between the Anglo-Saxon and the Mexican races. Within this limit, the more we extend our system of confederated States, the greater will be the strength and security of the Union; because the more dependent will the several parts be upon the whole, and the whole upon the several parts. If there were no other bond to preserve our Union, what State would forego the advantages of this vast free trade with all her sisters, and place herself in lonely isolation? This system of confederated republics, under which the federal government has charge of the interests common to the whole, whilst local governments watch over the concerns of the respective States, is capable of almost indefinite extension with increasing strength. This strength can never be impaired but by the attempts of the federal government to pass beyond its legitimate limits, and interfere with interests belonging peculiarly to the States. The beneficence of Providence has so blended together the interests and security of our family of States, that disunion would be insanity. It is true that some of the older members of the confederacy have, at different periods, assumed a threatening attitude towards the Union; but upon what occasion has any one of the new and distant States ever breathed the word *disunion?* Their loyalty has never been doubted. The greater their distance from the centre, the more they feel their dependence upon the government of the whole for prosperity and protection. Their external pressure has served, and will serve, more firmly to consolidate that Union upon the preservation of which all the hopes of the patriot and the philanthropist depend. Texas will be placed on an exposed and distant frontier, and Texas will be the last portion of the confederacy willing to abandon the security and the prosperity which the government of the Union can confer.

Whilst the annexation of Texas would afford that security to the southern and southwestern slave States which they have a right to demand, it would, in some respects, operate prejudicially upon their immediate pecuniary interests; but to the middle and western, and more especially to the New England States, it would, in my opinion, be a source of unmixed prosperity. It would extend their commerce, promote their manufactures, and increase their wealth. The New England States resisted, with all their power, the acquisition of Louisiana; and I ask, what would those States have been at this day without that territory?

They will also resist the annexation of Texas with similar energy; although, after it has been acquired, it is they who will reap the chief pecuniary advantages from the acquisition.

The friends to the incidental protection of American industry need feel no apprehensions from the annexation of Texas. It is better, far better adapted for the cultivation of sugar than Louisiana; and wherever sugar is grown in this country, protection is required. Take away the protective duty on the importation of foreign sugar, and you consign all the sugar plantations of Louisiana to inevitable destruction. The fact is, that sugar and iron are indissolubly connected in interest. They are the two articles which of all others require the most protection; and, by creating a new sugar interest in the South, you raise up a new ally in the cause of incidental protection.

But suppose that we reject Texas: what will be the consequences? And here I invoke the patient attention of the Senate. From the necessity of the case, she must cast herself into the arms of England. Both her interest and her safety render this inevitable. I do not believe that Texas would ever consent to become a colony of England, or that England desires to colonize Texas. England could not make her a colony without certain war with this country, unless we should abandon the principle announced by Mr. Monroe in 1823, and which was enthusiastically hailed by the American people, that European nations shall no longer be permitted to plant colonies on our continent. No, sir, Texas will never become a colony of England, but she will form a commercial alliance with England; and to this we could not object under any principle of the law of nations. Such an alliance, in its consequences, would be equally injurious to our peace and prosperity.

That England is eager for such a consummation, who can doubt? She is ever ready to depress a rival and to advance her own interest; and never has she yet been able to strike so severe a blow against the United States, as she would do by forming such an alliance with Texas. Permit me for a few moments to present this branch of the subject in its different aspects.

The cotton manufacture is necessary not merely to the prosperity but almost to the very existence of England. Destroy it, and you ruin her prosperity. She well knows that she is necessarily dependent upon the nation which holds in its hands the raw material of this manufacture. Such is our position towards her at the present moment. To relieve herself from this

dependence, she has endeavored to promote the cultivation of cotton everywhere throughout the world. Brazil, Egypt, and the East Indies have all, in turn, been the theatre of her operations; but she has yet succeeded nowhere to any great extent. She has encountered difficulties in the soil or in the climate of these different countries which she has not been able to overcome. Texas is now presented to her, with a soil and a climate better adapted for the cultivation of cotton than any other region on the face of the earth. I have been assured by my friend, (Colonel King,) now our minister to France, and himself a successful cotton planter, that whilst with the same labor bestowed upon an acre of land they can raise one-third more cotton in Alabama than can be produced in Georgia and South Carolina, a planter in Texas can raise one-third more cotton to the acre than can be produced in Alabama. Of course I speak of the average crop. All the authentic information which we have ever received goes to prove that, both for the quantity and quality of the product, Texas is superior, as a cotton-growing country, even to the most fertile portions of the United States. England would not be true to herself, (and she has never yet been false to her own interest,) if she did not eagerly desire to form a commercial alliance with Texas.

Now, sir, annex Texas to the United States, and we shall have within the limits of our broad confederacy all the favored cotton-growing regions of the earth. England will then forever remain dependent upon us for the raw material of her greatest manufacture, and an army of one hundred thousand men would not be so great a security for preserving the peace between the two nations as this dependence.

It is the very condition of England's existence as a powerful and prosperous nation that she shall find consumers for her manufactures. The continent of Europe is now, in a great degree, closed against them, and she is traversing sea and land, and exerting all her power to open markets for them throughout the other quarters of the globe. A very long period of time must elapse even, if ever, before Texas can become a manufacturing nation. A commercial treaty will then be concluded between the two nations, founded on their mutual interests, the basis of which will be free trade so far as this may be possible. England will receive the cotton, sugar, and other productions of Texas, whilst Texas, in return, will admit the manufactures of England. And I ask, what could be more ruinous to all our

interests than such a free trade convention between these two powers?

Texas, like the United States, is not only admirably adapted for the production of cotton, sugar, and the other staples of the planting States, but it extends to the 42d degree of north latitude, and embraces a large extent of country where wheat, rye, pork, lard, and, in short, all the agricultural staples of the middle and western States can be produced in the greatest abundance. Texas, in union with England and receiving all the advantages which England can bestow, will thus become our rival for the markets of the world. In the language of the Edinburgh Review, "the bonds of ancient kindred [with Texas] may thus be knit with fresh strength, and with a wider diffusion of the British race and British sympathies." Texas and the United States will then necessarily become jealous and hostile rivals; and British power and British influence will thus be increased and extended at our expense.

British manufactures will be admitted into Texas either entirely free or at a very low rate of duty; and a system of smuggling will be organized along our extended frontier which no vigilance can prevent, and which will greatly reduce our revenue and injure our domestic manufactures.

Shall we, in view of all these fearful consequences which will naturally result from our refusal to accept Texas, reject the treaty now before us? I trust not.

In arriving at the conclusion to support this treaty, I had to encounter but one serious obstacle, and this was the question of slavery. Whilst I ever have maintained, and ever shall maintain, in their full force and vigor, the constitutional rights of the southern States over their slave property, I yet feel a strong repugnance, by any act of mine, to extend the present limits of the Union over a new slave-holding territory. After mature reflection, however, I overcame these scruples, and now believe that the acquisition of Texas will be the means of limiting, not enlarging, the dominion of slavery. In the government of the world, Providence generally produces great changes by gradual means. There is nothing rash in the counsels of the Almighty. May not, then, the acquisition of Texas be the means of gradually drawing the slaves far to the South, to a climate more congenial to their nature; and may they not finally pass off into Mexico, and there mingle with a race where no prejudice exists against their color? The Mexican nation is composed of

Spaniards, Indians, and negroes, blended together in every variety, who would receive our slaves on terms of perfect social equality. To this condition they never can be admitted in the United States.

That the acquisition of Texas would ere long convert Maryland, Virginia, Kentucky, Missouri, and probably others of the more northern slave States into free States, I entertain not a doubt. In fact, public opinion was gradually accomplishing this happy result, when the process was arrested by the mad interference of the abolitionists. A measure having directly in view the gradual abolition of slavery came within one vote, if my memory serves me, of passing the House of Delegates of Virginia shortly before the abolition excitement commenced. There was then in that State a powerful, influential, and growing party in favor of gradual emancipation, and they were animated to exertion by the brightest hopes of success; but the interference of fanatics from abroad has so effectually turned back the tide of public opinion, that no individual would now venture to offer such a proposition in the Virginia legislature. The efforts of the abolitionists, whether so intended or not, have long postponed the day of emancipation.

But should Texas be annexed to the Union, causes will be brought into operation which must inevitably remove slavery from what may be called the farming States. From the very best information, it is no longer profitable to raise wheat, rye, and corn by slave labor. Where these articles are the only staples of agriculture, in the pointed and expressive language of Mr. Randolph, if the slave don't run away from his master, the master must run away from the slave. The slave will naturally be removed from such a country, where his labor is scarcely adequate to his own support, to a region where he can not only maintain himself, but yield large profits to his master. Texas will open such an outlet; and slavery itself may thus finally pass the Del Norte, and be lost in Mexico. One thing is certain. The present number of slaves cannot be increased by the annexation of Texas. I have never apprehended the preponderance of the slave States in the counsels of the nation. Such a fear has always appeared to me to be visionary. But even those who entertain such apprehensions need not be alarmed by the acquisition of Texas. More than the one-half of its territory is wholly unfit for slave labor, and therefore, in the nature of things, must be free. Mr. Clay, in his letter of the 17th April

last, on the subject of annexation, states that, according to his information—

"The territory of Texas is susceptible of a division into five States of convenient size and form. Of these, two only would be adapted to those peculiar institutions [slavery] to which I have referred; and the other three, lying west and north of San Antonio, being only adapted to farming and grazing purposes, from the nature of their soil, climate, and productions, would not admit of those institutions. In the end, therefore, there would be two slave and three free States probably added to the Union."

And here permit me to observe that there is one defect in the treaty which ought to be amended, if we did not all know that it is destined to be rejected. The treaty itself ought to determine how many free and how many slave States should be made out of this territory; or it ought, in express terms, to leave the question of slavery to be decided by those States in their constitutions, as they severally apply for admission into the Union. There should be some fixed and fundamental rule established on this subject by the treaty or act of annexation. Should this not be done, we may have another Missouri question to shake the Union to its centre, upon the successive application of each of these States for admission. As wise statesmen, we ought to provide against this danger, by settling the question in advance, at the time of annexation.

I come now to examine the objections which have been urged against this treaty. And, first, it has been strenuously contended that the acquisition of Texas would be a violation of the constitution of the United States; and that no new State can be admitted into the Union, unless it formed a part of our territory in 1789, when that constitution was adopted. On this point I shall be very brief. Mr. Van Buren, in his Texas letter, has demonstrated this objection to be wholly unfounded. The language of the constitution is broad and general, embracing in its terms all new States, whether these be composed of foreign territory or not. It declares that "new States may be admitted by the Congress into the Union." What human power can limit the generality of this expression to such new States alone as might be composed of territory then belonging to the United States? How can the plain construction of the language be narrowed down by any such restriction? The framers of the constitution were too wise and too far-sighted to place any such limitation on the power of Congress for all future time. In the course of human events, in the history of a

great nation, they foresaw that it might become necessary to acquire new territory by purchase or by conquest; they therefore left the discretion of Congress unlimited in the admission of new States. The letter of Dr. Johnson, one of the delegates from Connecticut to the federal convention, furnished by Mr. Pitkin, which was read by the senator from that State, [Mr. Huntington,] presents a remarkable instance of the frailty of human memory. It was written after the admission of Louisiana into the Union, which took place in 1812, and consequently more than twenty years after the occurrences which it relates. Besides, at the date of the letter, which was about the time of our declaration of war against Great Britain, party excitement ran very high in this country, and Dr. Johnson belonged to the party hostile to the acquisition of Louisiana, and to the declaration of war. I doubt not he was a worthy and respectable man, and deserved the commendation bestowed upon him by the senator from Connecticut; but yet I shall prove conclusively that he must have been entirely mistaken in regard to the facts which he asserts. He says that he put the very case to his colleagues [Messrs. Ellsworth and Sherman] whilst the convention was yet in session—suppose we should conquer Nova Scotia from Great Britain; could we, under the constitution, admit it as a State into the Union?—and they were clearly of opinion that Congress would possess no such power, but that Nova Scotia must remain a territory forever. Dr. Johnson suggested that an express provision should be made to prevent States composed of foreign territory from being admitted; but his colleagues both agreed that such States were already so obviously excluded by a fair construction of the constitution, that it would be a waste of time to offer such an amendment. He also says that he conversed with many other members of the convention, and never found one who entertained a doubt upon the subject; and he concludes by stating that, had the question been submitted to the convention, whether, under the constitution, a new State, composed of foreign territory, could be admitted into the Union, there would have been an unanimous vote in the negative.

Now, sir, wonderful as it may seem, after such a statement, the records of the convention prove that the very question was raised before that body whether such a limitation should be imposed on the power of Congress to admit new States, and was expressly decided in the negative. The first basis of a constitution proposed by Edmund Randolph, confined the power of ad-

mitting new States to those "lawfully arising within the limits of the United States." This restriction was, at one time, adopted by the convention, but, after mature consideration, was stricken out; and the clause, without any such restriction, as it now stands in the constitution, that "new States may be admitted by the Congress into the Union," was finally established. According to the memory of Dr. Johnson, it was considered too plain for doubt, that, under the constitution, no new State, composed of foreign territory, could be admitted into the Union; and yet the convention had expressly decided that such States might be admitted, and had adopted the most general language for this very purpose.

But, even if a doubt could have rested upon this question, the admission of Louisiana, Arkansas, and Missouri into the Union, all composed of territory acquired from France in 1803, and the cession of Florida to the United States by Spain in 1819, would have settled it forever. The scruples entertained by Mr. Jefferson at one time, but which he afterwards abandoned, could never have existed, had he been a member of the federal convention. I might cite the opinion of Judge Story, and other eminent jurists, in favor of my position; but I should deem this to be a useless waste of time, on so plain a question.

It has been said, however, that, admitting this construction of the constitution to be correct, yet, as Texas is an independent State, and not, like Louisiana and Florida, a territorial dependence of a foreign power, it would be a violation of the constitution to ratify this treaty. And this in the nineteenth century, and in the American Senate! We had the power, forsooth, to accept the cession of territories from Napoleon Bonaparte and the King of Spain, without ever consulting the wishes of the people whom they ceded; and yet we have not the power to accept such a cession from the sovereign people themselves of an independent State! I shall not waste time upon such an argument. It would prove that if ever (which God forbid) any of the States of this Union should shoot madly from their sphere, and establish an independent government, we would possess no constitutional power, upon their own earnest entreaty, to restore them to their ancient position.

Again: senators contend that one nation cannot incorporate itself with another by means of a treaty. But we have the direct authority of Vattel against this proposition. That author says that when a nation "has not sufficient strength of itself, and

feels itself unable to resist its enemies, it may lawfully subject itself to a more powerful nation, on certain conditions agreed to by both parties; *and the compact or treaty of submission* will thenceforward be the measure and rule of the rights of each." And again: "This submission may be varied to infinity, according to the will of the contracting parties; it may either leave the inferior nation a part of the sovereignty, restraining it only in certain respects, or it may totally abolish it, so that the superior nation shall become the sovereign of the other; *or, finally, the lesser nation may be incorporated with the greater, in order thenceforward to form with it but one and the same State; and then the citizens of the former will have the same privileges as those with whom they are united.*"—Book 1, chap. 16, sec. 193–4, p. 94.

Never was there an authority more directly in point in support of the treaty of annexation. Under it, Texas will be incorporated with the United States, and her citizens will enjoy all the privileges of citizens of the United States.

A treaty is nothing more nor less than an agreement between sovereign powers; and even if Texas should be annexed by an act of Congress, (to which I see no objection,) still this must be preceded by some agreement, express or implied, fixing the terms and stipulations of the annexation.

But the senator from Connecticut [Mr. Huntington] has contended that Texas cannot be annexed by treaty; because, if the United States should violate this treaty, the existence of Texas as an independent nation having been destroyed, she could not enforce her rights by war. But, sir, is the obligation less binding upon our part, although Texas may have lost the power to make war upon us? Is an engagement less solemn and less obligatory in the eyes of God or man, because the opposite party has not the power to enforce it? Are the United States less bound to fulfil their engagements and discharge their debts, because they cannot be sued in any court of justice? We have contracted obligations to every new State which has entered the Union; and may we free ourselves from these obligations, because such States have no power under the constitution to exact their fulfilment by war? Texas, after she enters the Union, will be in precisely the same position as one of these States, and must trust to a national faith which has never yet been violated, for the observance of the treaty.

I now approach the main objection to the treaty, which has

been urged by every variety of argument and illustration. It is evidently that on which its opponents most rely; and it therefore demands from me a clear and explicit answer. I shall state it as fairly as I can. The Senator from Missouri, [Mr. Benton,] and others following in his footsteps, contend that Texas was a province of Mexico; that Mexico is still waging a justifiable war for the re-subjugation of Texas; that if we annex Texas to the United States, we unjustly make ourselves a party to that war: and that we would thus violate our treaty with Mexico, and expose ourselves to the condemnation of the civilized world for this breach of faith. Now, sir, I differ entirely from the Senator from Missouri on all these propositions. I regret this most sincerely. This difference, however, shall never estrange me from him, nor ought it, in my opinion, to injure him, in the slightest degree, in the estimation of his party. He has been the hero of a hundred fights in the cause of democracy. His cheering voice has always been heard the loudest in the hour of deepest gloom. If he has erred for once, not upon the principle of annexation, but merely as to the time when it can be best accomplished, should this condemn him? No, never. Still I differ from him, and shall proceed to state my reasons.

Now, sir, highly as I prize Texas, and ardently as I desire her admission into the Union, I would not accomplish this purpose by means of a crime. I would not do evil that good might come. To do this is to blight the greatest benefits, and to convert that which, when honestly acquired, would be a blessing, into a curse. If Texas cannot be acquired but through violated treaties and unjust war, let it never be acquired.

By the first article of our treaty with Mexico of the 5th April, 1831, it is agreed that "there shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the United States of America and the United Mexican States, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places."

I quote the language of this article, because similar language has been employed in most of the treaties of peace between civilized nations for the last three hundred years. Writers on public law divide treaties into two general classes,—"first, those which turn merely on things to which the parties were already bound by the law of nature,—secondly, those by which they enter into further engagements." "To this first class belong

all simple treaties of peace and friendship, when the engagements which we thereby contract make no addition to those duties that men owe to each other as brethren and as members of the human society."—Vattel, book 2, chap. 12, sec. 169. The law of nature and of nature's God commands that all nations shall cultivate peace and friendship with each other; and treaty stipulations to this effect are only intended to give this great law a human sanction. Now, sir, nearly all the wars which have been waged in the world since the era of civilization have contravened such treaties of peace previously existing between the belligerents. And shall we undertake to denounce all such wars as unjust, and the nations who have declared them as violators of the faith of treaties? By no means. Neither the law of nature nor the law of nations pronounces any such harsh judgment. There are many cases in which a nation, from the conduct of the opposite party and from a variety of causes, may be perfectly justifiable in absolving itself from the obligations of a treaty. There is a memorable example of this kind, in our own history, on which, however, I express no opinion. On the 7th July, 1798, Congress passed an act declaring all the treaties theretofore concluded between France and the United States to be no longer obligatory. There are several cases enumerated by writers on public law which would justify the violation of any treaty, however positive and specific might be its engagements. The great law of self-preservation justifies nations as well as individuals in protecting and defending themselves; and if a treaty previously concluded endangers the existence of a nation, she is no longer bound by its obligations. This principle is strongly and clearly asserted in Vattel, book 2, chap. 12, sec. 160.

The senator, therefore, who conscientiously believes, from the evidence before him, that Texas will become a dependency of England, unless it should be annexed to the United States, and that through the agency of English abolitionists a servile war would be lighted up, endangering the existence of the southern States, would be perfectly justified in voting for annexation, even if, instead of a general treaty of peace, we had a treaty with Mexico guarantying the integrity of her territory. Because, says Vattel, "Though a simple injury, or some disadvantage in a treaty, be not sufficient to invalidate it, the case is not the same with those inconveniences that would lead to the ruin of the nation." And he proceeds to prove that "a treaty pernicious to the State is null, and not at all obligatory, as no

conductor of a nation has the power to enter into engagements to do such things as are capable of destroying the State, for whose safety the government is entrusted to him." And again, §170: "If the assistance and offices that are due by virtue of such a treaty (those permitting commerce, passage, &c.) should on any occasion prove incompatible with the duties a nation owes to herself, or with what the sovereign owes to his own nation, the case is tacitly and necessarily excepted in the treaty."

But, sir, we have no occasion to invoke the aid of these high principles of public law to relieve us from the imputation of violating our treaty of peace with Mexico, even if actual war now existed between Mexico and Texas. Ours would even then be a case in which all writers on the law of nations have not only justified but commended our conduct. "It is lawful and commendable (says Vattel) to succor and assist, by all possible means, a nation engaged in a just war; and it is even a duty incumbent on every nation to give such assistance, when she can give it without injury to herself." Book 3, chap. 7, §83. And this duty rises still higher, and the obligation becomes more imperious, when a weak and feeble nation is oppressed by an unjust war waged against her by a grasping and more powerful neighbor. I might read any number of authorities to establish this principle; but I deem it wholly unnecessary. This is the law engraven upon the heart of every man by the finger of the Almighty. Under this aspect of the question, our relations with Texas render our obligation irresistible to aid her against the unjust oppression of Mexico. The law of nature, applicable to individuals, is the law of nations when applied to sovereigns. What man, then, having the heart and courage of a man, would see his weak and helpless fellow man assaulted, and beaten, and crushed to the earth by a powerful enemy, without interposing to arrest such an outrage? To assist the weak in a just cause against the strong is the dictate of our nature; and this principle has been incorporated, with all commendation, into the law of nations. This law would justify our interference even between strangers; but Texas is a child of our great family, and our obligation to protect her weakness from aggression becomes irresistible. And yet we are to be told that to render her this assistance would be to forfeit our faith with Mexico, and expose ourselves to the condemnation of the civilized world, and, in the opinion of the Senator from Massachusetts, [Mr. Choate,] to violate the Christian religion.

It is well for us who support this treaty that we do not reside in Boston. If we did, we should doubtless be deprived of all church privileges.

That the war which Mexico waged against Texas was an unjust war, I think can be clearly demonstrated. And here, in opposition to the senator from Missouri, I shall contend, and I think demonstrate, that Texas never did owe any allegiance to the present government of Mexico; and, as a necessary consequence, that government has been guilty of oppression and injustice in attempting the subjugation of Texas.

In 1824, Mexico adopted her constitution. Under it, the Mexican republic was composed of a number of sovereign States, confederated together in a federal Union similar to our own. Each State had its own legislature, judiciary, and governor, and, for all local purposes, was as independent both of the general government and that of the other States as is Pennsylvania or Virginia under our confederacy. Texas and Coahuila united, and formed one of these Mexican States; and its constitution, which was approved by the Mexican confederacy, asserted that it was "free and independent of the other United Mexican States, and of every other foreign power and dominion," and asserted the great principle of human liberty—that "the sovereignty of the State resides originally and essentially in the general mass of the individuals who compose it." The people of Texas swore, in the presence of their God, to maintain their own constitution and the federal constitution of Mexico. The strongest inducements were thus presented to the citizens of the United States to emigrate to Texas. They believed, in leaving their native land, that they were going to a country where they would be governed by State laws, enacted by their own representatives, and where their lives, their liberty, and their property would be secured by the same constitutional guaranties that existed in the different States of our own confederacy. They never apprehended that a central and distant government might arise in the city of Mexico which would change them from freemen into slaves.

In 1835, Santa Anna, at the head of a mercenary army, effected a revolution in Mexico, changed the form of government entirely, and became the dictator of the republic. On the 3d of October, 1835, a decree was issued by the General Congress of Mexico, at his bidding, directing the Congresses of the different States immediately to desist from the exercise of their

legislative functions; and on the 23d of the same month, another decree emanated from the same body, annihilating the constitutions of the sovereign States of the confederacy, and converting them into mere departments of the central government established at Mexico. The legislature of Texas was expelled from their own hall at the point of the bayonet; and Santa Anna's conduct thus presented a feeble imitation of the daring of Cromwell and of Bonaparte. He made great preparations to subdue Texas, vainly expecting, as was generally believed, to return from fields of glory to be proclaimed emperor of Mexico. Had the Texians not resisted—had they tamely submitted to be robbed of their government, their rights, and their liberties by a tyrant, they would have been unworthy of the race from which they sprung.

Now, sir, let me state a parallel case, if, indeed, we can be permitted even to imagine its existence. Suppose a military tyrant should become President of the United States; should drive the legislatures of the different States out of their own halls by an armed force; should annul the federal and the State constitutions; and, under shelter of a subservient Congress, create himself dictator of the republic: suppose all this, and I then ask, would those States who resisted the tyrant owe any allegiance to his usurped government? No, sir; no. Santa Anna was guilty of treason in abolishing the federal and State governments of Mexico; and, by every law, human and divine, ought to have been condemned to die the death of a traitor. Resistance to such tyranny was the dictate of Heaven. Texas was absolved from all allegiance to him and to his government; and from the very moment that he violated her constitution, she stood before the world, both *de facto* and *de jure*, a free, sovereign, and independent nation. She never was, and never will be, a department of the central government of Mexico. The traitor can never rightfully claim the allegiance of those whom he would make victims of his treason. I ask if, under these circumstances, the United States had interposed in 1835 to save Texas from oppression, whether it could have been denounced as an act of bad faith towards Mexico, deserving the condemnation of the civilized world? Had we interfered at this critical moment, we should have placed ourselves precisely in the position of France, when, in our utmost need, she generously came to our aid during the war of the revolution. And who will accuse France of having violated her faith with England, and say she justly deserved the

condemnation of the world for coming to our rescue? It is true that the definitive treaty of 1763 was then in full force between France and England; and its very first article contained a similar engagement to that of ours with Mexico, though couched in much stronger terms, for perpetual peace and friendship between the two nations. Among the nations of the earth these are not questions of violated faith; and this phantom which has been conjured up to alarm our fears has no real existence.

But we did not generously go to the aid of Texas, as France had come to our aid. Pursuing our established policy of not interfering in the disputes and wars of other nations, we left Texas to maintain the struggle alone against fearful odds. And what was the result?

Santa Anna invaded Texas with an army of 10,000 men. His cruelty, whilst victory attended him, would have disgraced Attila himself, who boasted that he was "the scourge of God." Every rule of civilized warfare was set at defiance, and the massacre of five hundred Texian prisoners in cold blood at Goliad, by his express orders, and other similar enormities, are a disgrace to the present age. I never shall forget the deep, the heartrending sensations of sorrow and of indignation which pervaded this body when we first heard of these inhuman butcheries. The career of the usurper was but brief. On the 21st April, 1836, was fought the memorable battle of San Jacinto. On that field seven hundred Texians defeated fourteen hundred Mexicans. Five hundred of these were slain, and nearly all the rest were taken prisoners. On that day the Texians achieved their independence; and on that day they convinced the world, by their conduct and their courage, that they deserved to rank as an independent nation. Considering the numbers engaged, history does not record a more brilliant achievement. Santa Anna himself was among the captives; and by every law, human and divine, he had forfeited his life. It would be a waste of time to cite authorities from the law of nations to establish this principle, the correctness of which was admitted at the time by the whole civilized world. I shall barely read a short passage from Vattel, which will place this position in a clear point of view. He says:

"There is, however, one case in which we may refuse to spare the life of an enemy who surrenders. It is when that enemy has been guilty of some enormous breach of the law of nations, and particularly when he has violated the laws of war. This refusal of quarter is no natural consequence

of the war, but a punishment for his crime—a punishment which the injured party has a right to inflict."—Book 3, chap. 8, sec. 141.

I need scarcely add that the murder of prisoners in cold blood is an enormous violation of the laws of war.

But mercy was extended to Santa Anna, although he was reeking with the blood of unresisting Texian prisoners; and I do not condemn General Houston for having spared his life. What is the next act in this historical drama?

On the 14th May, 1836, Santa Anna, then the dictator of the republic of Mexico, acknowledged by treaty, in the most solemn form, "the full, entire, and perfect independence of the republic of Texas." It is true that, at the time, he was a prisoner of war; and for this reason, strictly speaking, his acts were not binding on the Mexican republic. But when we consider all the circumstances of the case, I am clearly of the opinion that, in justice and in equity, that republic ought to have ratified the act. The life of the dictator was spared, and he was set at liberty; and General Filisola's army, consisting of 4,000 men, which was completely in the power of Texas, was permitted to retire in peace to Mexico. The treaty secured these and other important advantages to Mexico; and it is unjust that she should enjoy all the benefits which it conferred upon her, and at the same time discharge herself from all the obligations which it imposed. However we might excuse the conduct of the Mexican government, under another chief, for annulling this treaty recognising the independence of Texas, what shall we say of the conduct of Santa Anna since he has been again placed at the head of the Mexican nation? His life was spared, his army was permitted to return in security to Mexico, and, under these circumstances, every principle of honor required that the moment he obtained the power, he should recognise the independence of Texas. He knows, and has repeatedly acknowledged, the folly of persisting in his claim to that country. On the 4th July, 1836, he recognised his own act, declaring Texas independent, as valid; and in this city, in the month of December following, when he was entirely free, he acknowledged to General Jackson "that Texas was but a broken wing of Mexico; that it would be a mere incumbrance and hindrance until lopped off." And yet, with true Spanish obstinacy, he still refuses to recognise the independence of Texas.

I think I have now conclusively shown, that even if the United States had gone to the aid of Texas before or imme-

diately after the battle of San Jacinto, we should have been justified under the law of nations before the civilized world. I have proved that Texas never was a province, either *de jure* or *de facto,* of the present Mexican government; and that the war waged by Mexico to subdue Texas was an act of unjust and wanton power, and in violation of the constitution which the people of Texas had sworn to support.

I shall now proceed to show that we shall be justified, without the consent of Mexico, in accepting the offer of Texas to enter our confederacy, and that this will be no violation of national faith or national honor.

On the 1st of March, 1837, the Senate adopted a resolution recognising the independence of Texas; and our example was soon followed by England, France, Holland, and Belgium. What did we mean by this recognition? By it we declared, in effect, that Texas had successfully resisted the power of Mexico; that she was a free and independent nation; and that we received her into the family of nations, with all the rights and privileges belonging to any other member, and on terms of perfect equality with ourselves. By this act we acknowledged, in the language of our own declaration of independence, that she had "full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which an independent State may of right do." But the Senator from New Jersey [Mr. Miller] has reminded me that I voted against the recognition of Texian independence; and has also read extracts from my remarks on that occasion, for the purpose, I presume, of proving my inconsistency. Now, sir, whilst I believe that my public life, since I first entered Congress, has been as consistent as that of any Senator on this floor, yet I have never arrogated to myself infallibility. I trust that I grow wiser by experience; and if I had erred seven years ago, most certainly I should not now persist in that error merely for the sake of appearing to be consistent. As an honest man, I would be bound to retract my error; and this more especially when it was to the injury of a kindred and friendly republic. But can the senator perceive no difference between what was the condition of Texas on the first of March, 1837, and what it is now on the 8th of June, 1844? On the former occasion, I supposed that the war of Texian independence might not have been ended. I supposed that Mexico, in the next campaign, after she had suffered the disastrous defeat of San Jacinto, might have rallied all her forces

for the conquest of Texas. In short, I doubted whether Texas had achieved her independence; and I refused to acknowledge a fact, of the existence of which I was not then satisfied. I am most happy now to acknowledge that my fears were without foundation. Texas has since maintained her independence against Mexico for a longer period than the whole duration of our revolutionary war. Indeed, during this long period, Mexico has never even made a serious attempt to subjugate Texas. I trust, then, I shall stand redeemed from the charge of inconsistency whilst voting for this treaty, even in the opinion of the senator from New Jersey.

A proper regard for the opinion of mankind has hitherto wisely prevented our government from treating for the annexation of Texas to this country. That we might, years ago, have concluded such a treaty, without any violation of national faith or national honor, I entertain not a doubt; but still we owed it to our own character before the nations of the earth not to act with precipitation on a question of such peculiar delicacy. Throughout the war we have maintained a strict neutrality between the belligerent powers. The independence of Texas has now been acknowledged by the principal commercial nations of the earth. She has entered into treaties with them, and with us. No foot of an invading enemy rests, or has ever rested, upon her soil since the battle of San Jacinto. She still regards her restoration to the bosom of our republic with an eye of intense desire. She has never faltered in this purpose, since the declaration of her independence in 1836, when she determined, with enthusiastic unanimity, in favor of reannexation. The time has at length arrived when we may receive her without any imputation upon our honor. I have heard epithets used against the treaty before us, as harsh as those which have been justly applied to the treaties entered into by the despotic sovereigns who dismembered Poland, and divided its territory amongst themselves, against the consent of the brave and patriotic Polish nation. But will senators reflect upon the vast difference? It is the Texian people themselves, the arbiters of their own destiny, who are eager to become united to this republic. Who will then dare to complain, in their name, that we are about to treat them with injustice, when we are granting them a boon which, of all others, they most ardently desire?

But it is contended with pertinacity that we ought to wait still longer before we receive Texas, and that we are bound to

afford Mexico a still longer period for her subjugation. Let us examine this proposition for a few minutes.

It is said that war, bloody war, still rages between the two nations, and that, until this shall have ended, we ought not to admit Texas into the Union. But what is the fact? The poetical fancy of the senator from Massachusetts has invested this war with terrors that might even alarm the brave. We have heard the changes rung by him upon the words *flagrante bello*, until we might almost be persuaded to believe, against our own knowledge, that flagrant war really rages between the two nations. When asked to specify the battles which have illustrated this war, he is compelled to be silent. Now, whether actual war exists, is a question of fact to be decided by the existence of actual hostilities. The most amusing feature of this protracted debate has been the earnestness with which it has been contended on the one side and the other that war does and that war does not exist. Never before, in the history of the human race, I undertake to say, was such a question doubtful throughout a period of seven years. This could surely never have been made a question at any period during our seven years' revolutionary war, or the seven years' war of Frederick the Great. If there be an existing war against Texas, and we should adopt it, this will be the smallest war that has ever been adopted by any nation. One thing is perfectly certain: that there never has been a serious attempt made to conquer Texas since the battle of San Jacinto. What says Mr. Webster upon this subject? Hear him, in opposition to the fancy sketch of the senator from his own State. In his despatch as Secretary of State to our minister in Mexico of the 8th July, 1842, he says:

"From the time of the battle of San Jacinto, in April, 1836, to the present moment, Texas has exhibited the same external signs of national independence as Mexico herself, and with quite as much stability of government. Practically free and independent, acknowledged as a political sovereignty by the principal powers of the world, *no hostile foot* finding rest within her territory *for six or seven years,* and Mexico herself refraining *for all that period* from any further attempt to re-establish her own authority over the territory." "The battle of San Jacinto, fought on the 21st April, 1836, achieved their independence. *The war was from that time at an end.*" "Since 1837, the United States have regarded Texas as an independent sovereignty as much as Mexico." "He (Mr. Bocanegra) speaks of Texas as still being an integral part of the Mexican republic; but he cannot but understand that the United States *do not so regard it.*" "The constitution, public treaties, and the laws, oblige the President to regard Texas as an independent State, and its territory as *no part of the territory of Mexico.*"

No hostile foot has found rest upon the soil of Texas between the battle of San Jacinto on the 21st April, 1836, and the date of Mr. Webster's despatch on the 8th July, 1842! A war to resubjugate a revolted province suspended for more than six years; and yet Mexico still claiming that province and threatening war against all who would interfere with her claim! Such a compound of impotence and bluster has never been witnessed in the conduct of any nation.

Until the present moment, no attempt has been made by Mexico to invade Texas with any view of conquest. In the month of September, 1842, three marauding expeditions suddenly crossed the Rio del Norte into Texas, under the command of General Woll; but they fled with precipitation before the approach of the Texians. The chief, if not the only trophy of these forays was the capture of a court, jury, lawyer, witnesses, and all, whom they found in session at San Antonio de Bejar. These they carried off into Mexico; and although they were all civilians, with true Mexican contempt for the law of nations they were confined as close prisoners in the castle of Perote, were doomed to hard labor, and were, in other respects, treated with wanton and vindictive cruelty.

These three marauding expeditions, then, of eight days' duration, constitute the entire history of the war carried on by Mexico for the conquest of Texas during a longer period than the whole of our revolutionary war, and almost as long as the siege of Troy. Now, I admit that we must take Texas with all her imperfections on her head; and if this quasi war with Mexico be the greatest of them, we shall have much reason to rejoice. On this subject, all that can be said with truth is, that Mexico and Texas were once at war, and have not yet made peace; though from the weakness of Mexico, or from some other cause, actual hostilities have long since been suspended on her part, unless we may except the predatory incursions of General Woll, who fled with more rapidity than he had advanced.

The senator from Missouri, in one of his resolutions, admits that we may annex Texas without the consent of Mexico, when Mexico shall "cease to prosecute the war on a scale commensurate to the conquest of the country." It is not, therefore, in his opinion, a mere occasional predatory incursion of Mexico into Texas which ought to deprive her of the power of annexing herself to the United States, or prevent us from receiving her.

Can anything be clearer than this proposition? If it were not true, it would then be in the power of Mexico, although she might have abandoned every hope of conquest, to paralyze both Texas and the United States, and prevent them from ever forming a reunion. If any war should be deemed sufficient to arrest annexation, it must be an actual and not a mere paper war, and this, too, conducted upon a scale commensurate with the subjugation of the country.

The senator from Missouri, who is, I sincerely believe, anxious for the annexation of Texas, in the resolution to which I have just referred, proposes to postpone this event until "Mexico shall either consent to the same, or acknowledge the independence of Texas, or cease to prosecute the war against her (the armistice having expired) on a scale commensurate to the conquest of the country." The consent of Mexico! This we never shall obtain whilst England can prevent it. We are all aware of her great influence with Mexico; and we well know it will all be exerted to prevent Mexico from consenting to the reunion of Texas with the United States. The deep interest felt by England in this question, appears from the late remarks of Lord Aberdeen, the Foreign Secretary, in the House of Lords. "It was a question new and unexampled (said his lordship) in the history of public law, which demanded and would receive the earliest and most serious attention of her Majesty's government." And pray, Mr. President, what right has England to interfere in this question? If the people of the United States and of Texas desire to be united, the interference of England to prevent it would be an insult and an injury to both. Have we not, as independent nations, a right to conclude what treaties we please in relation to our own territories, without the consent of England? The United States must never yield the smallest portion of our just rights to that imperious and arrogant power, which never fails to make one extorted concession the foundation of demanding another. England—whose constant policy in the East has been to sow the seeds of dissension between rivals, and then, under the pretext of espousing the just cause, to take part with one of the parties, and thus subjugate the whole country under her own dominion—is now startled at the very idea that the United States should acquire Texas, even with the free and enthusiastic consent of her whole people! We cannot submit to any direct interference from that quarter, without to this extent yielding up our national independence. But England will be

relieved from the responsibility of a direct interference in the domestic concerns of two independent nations on this continent, if we should adopt the principle that the consent of Mexico must first be obtained before we can treat of annexation.

It is true that I should be willing to treat Mexico, as a neighboring republic on this continent, with the utmost kindness. I would soothe her pride, and even consult her prejudices. Whilst, therefore, I utterly deny that her consent was necessary, I should have endeavored to obtain it, in the first instance, by every honorable means. The hope is now a vain one, that this consent will ever be given whilst British influence shall remain predominant in Mexico.

We have heard much, in the course of this debate, of the good faith and kind feeling of Mexico towards the United States; though her conduct on many occasions, and our own records, would disprove this allegation. But it is not my purpose to censure her. Many allowances ought to be made for her, considering her distracted condition; and as a sister republic on this continent, we have always acted towards her with great forbearance. I trust we shall continue to pursue this course; and I now merely refer to the subject, lest it might be inferred, from our silence, that we have never had any just cause of complaint against Mexico.

But the Senator from Missouri does not consider the consent of Mexico to be indispensable. If, after the expiration of the alleged armistice, Mexico should cease to prosecute the war against Texas "on a scale commensurate to the conquest of the country," he would then consent to the reunion. How much longer must Mexico cease to prosecute this war upon such a scale, before the reunion can be effected? Shall it be one, two, or ten years? She has already ceased to prosecute this war, upon a scale commensurate with the conquest of Texas, from the day when the battle of San Jacinto was fought until the present moment. Has not eight years been a period sufficiently long for this purpose? In my opinion it has; and, therefore, I am willing to act without further delay.

But the alleged armistice between these two powers has been interposed as an objection: and it has been urged that this acknowledges a state of war to have existed at its date, and that time ought to be allowed to Mexico, after its termination, to conquer Texas, before we should consent to annexation.

We have heard much of this armistice, which I shall show,

hereafter, never had an existence; but admitting, for the sake of the argument, that it did exist: what consequences would flow from it? I answer, none prejudicial to the cause of reannexation. This armistice could only have suspended the war as it existed at its date; and what a war! A war that had ceased, for all purposes of reconquest, during a period of more than seven years, and that had literally died out, and then been suspended by an armistice of indefinite duration! This would have been our position; and a better position it is than even that which we now occupy. What is the doctrine of the law of nations upon this subject? "A general truce," says Vattel, "made for many years, differs from a peace in little else than in leaving the question, which was the original ground of the war, still undecided. When two nations are weary of hostilities, and yet cannot agree upon the point which constitutes the subject of their dispute, they generally have recourse to this kind of agreement." Such was precisely the relative position of Mexico and Texas towards each other at the date of President Houston's proclamation. They were both weary of hostilities, and yet could not agree upon the subject of their dispute, which was the independence of Texas. President Houston, on the 15th of June, 1843, proclaimed an armistice indefinite in its duration; and had this been assented to by Mexico, it would have amounted to a general truce, differing but little from a general peace. By the terms of this proclamation, the armistice was not limited to any number of years, but was to continue during the pendency of negotiations for peace, "and until due notice of an intention to resume hostilities, should such an intention hereafter be entertained by either party, shall have been formally announced through her Britannic Majesty's chargés des affaires at the respective governments, and the revocation of this proclamation." In addition to its indefinite duration, it was to continue until England, the mediating power, intent upon ending the war between Mexico and Texas, should consent to become the instrument of rekindling it, by means of a notice for that purpose, given through her chargés des affaires. That this time never would have arrived, is most certain.

But, unfortunately, this armistice never had any actual existence. My friend, the editor of the Globe, has got into a fog on this branch of the subject; and it is but an act of friendship on my part to restore him to clear sunshine.

Was any proclamation of an armistice, corresponding with that of General Houston, ever issued by the President of Mexico?

This is a most important inquiry; because no principle of public or private law is better settled than that, to make any contract binding between parties, it must be mutual. Both must be bound, or neither. The provisional President of Mexico, so far from having issued a corresponding proclamation—so far from having agreed to the stipulations of the armistice announced by General Houston—expressly declined to assent to them the moment they were communicated to him by the British chargé d'affaires. The proclamation of President Houston, declaring an armistice, was thus annulled within a few days after it had issued, by the refusal of the Mexican President to accede to its terms and to issue a corresponding proclamation. Thus ended the first attempt to establish an armistice between the parties.

The Mexican government, through Mr. Tornel, their minister of war, afterwards issued a military order to General Woll, the commander-in-chief of the army of the north, bearing date July 7, 1843, in which they refuse to recognise General Houston even as President *de facto* of Texas, but, to make him sensible of his inferiority, insultingly style him merely Mr. Samuel Houston. So far from recognising President's Houston's proclamation as an existing armistice between the two countries, Mr. Tornel informs General Woll that the Mexican Government "had resolved to admit, in the name of the nation, the propositions for an armistice; and that such armistice be concluded between the two parties, agreeably to the laws of war." Thus, while, on the one side, an absolute armistice had been proclaimed, on the other, President Santa Anna merely agreed to consider this proclamation as a proposal for an armistice to be concluded thereafter.

Accordingly, Mr. Tornel proceeds, by his military order, to instruct General Woll, that, "in order that the armistice may be concluded on the terms fixed by the usage and practice of war, you will give official notice to Mr. Samuel Houston that he should appoint commissioners, who, jointly with those chosen by yourself, may form the stipulations, according to the following rules to be observed on your part," &c. In pursuance of this order from the Mexican Minister of War, commissioners were appointed by General Woll and President Houston, respectively, who held their last meeting at the town of Sabinas, in the republic of Mexico, on the 15th February, 1844, and on that day signed an agreement for an armistice, the first article of which is as follows:

"There shall be an armistice between Mexico and Texas, during the pending of negotiations, at the capital of the republic, relative to the pacification of the department of Texas, and which are to be concluded, at the farthest, by the 1st day of May, 1844, and can only be prolonged in case there should then be a probability of a speedy and pacific termination of the matter."

Thus it is evident that, even if this armistice had been approved by President Houston, it would have terminated, by its own limitation, on the first day of the last month, as it contains no stipulation whatever requiring the respective parties to give any other notice of their intention to resume hostilities. But the truth is, that the proposed armistice never was in force a single moment, for want of the approval of President Houston. We are informed by Messrs. Van Zandt and Henderson, in their letter to Mr. Calhoun of May 16th, 1844, that "they [the Texian commissioners] were instructed that no arrangement made by them would be binding until approved by the President. When the agreement entered into by them was submitted to the President of Texas, he declined approving it. Referring *to Texas as a department of Mexico* was a sufficient reason for its prompt rejection, and precluded all possibility of official action under it."

"The negotiations having thus terminated, and this agreement being held to be null and void, there is at present no subsisting arrangement of any character between Mexico and Texas."

That this result was clearly anticipated by the Mexican government, appears conclusively from the despatch of Mr. Thompson of the 2d February last, to the Secretary of State. He says:

"I am informed that the negotiation with Texas for peace is not only broken off, but that the armistice has also been suspended. You will remember that, from the beginning of this matter, I expressed the opinion that nothing would come of it. It was only a device, on the part of Santa Anna, to relieve him from the difficulty in which he had involved himself by his threats and promises of reconquering Texas, which he knows perfectly well is impossible."

Thus has ended the second abortive attempt to establish an armistice between Mexico and Texas. An effort had been made by each government to obtain the consent of the other to the establishment of an armistice upon its own terms; but each signally failed, and nothing of this nature ever existed, unless it may have been the mere order of the Mexican Minister of War

to General Woll to suspend hostilities whilst proceedings in relation to an armistice were in progress.

Having thus disposed of the most prominent objections to the present treaty, let me proceed to inquire whether our annals do not afford precedents exactly in point to justify those senators who have determined to vote for its ratification. If such precedents exist and were adopted by the wisest and best men of the republic when the voice of party spirit was comparatively silent, this will be an all-prevailing argument in favor of the treaty. Nay, more;—if it never entered into the conception of these statesmen that they were violating the obligation of treaties or performing any act inconsistent with the law of nations or the character of the country in their attempts to annex Texas to the Union, what will then become of the phantoms of broken faith and tarnished national honor which have been conjured up to fright us "from our propriety?" But to the testimony on this subject: and to this I shall refer very briefly, because it has been presented at large by other senators.

That one nation, in a state of war with another, may rightfully cede a portion of its territory to a neutral nation, is a principle of public law which cannot be doubted. We have the high authority of Mr. Madison in support of this principle, which he has illustrated with a rare felicity of expression. In his letter to Messrs. Livingston and Monroe of the 28th May, 1803, instructing them in regard to the purchase of Louisiana, he says: "That the right of a neutral to procure for itself, by a *bona fide* transaction, property of any sort, from a belligerent power, ought not to be frustrated by the chance that a rightful conquest thereof might be precluded. A contrary doctrine would sacrifice the just interests of peace to the unreasonable pretensions of war, and the positive rights of one nation to the possible rights of another." This pure and able statesman does not seem to have been alarmed by such fears as now haunt senators, lest the acceptance of the cession of Louisiana from France by the United States might be a violation of our treaty of peace with England. This authority would be directly in point on the present occasion, if Texas had ceded to us a part of her territory whilst at war with Mexico, instead of the whole; and I ask, how can the principle be changed by the amount of the cession? The neutral obtaining such a cession of belligerent territory most probably accepts it, subject to the right of conquest by the opposite party; but the idea of bad faith in such a transaction does not seem to

have entered the pure mind of Mr. Madison. We are far more sensitive on this subject now than our ancestors were forty years ago.

But there are other examples in our history directly in point in every particular. Messrs. Adams and Clay made two unsuccessful efforts, in 1825 and 1827, to purchase Texas from Mexico, whilst actual war—not a mere paper war—was raging between Spain and Mexico, and long before the government of Spain had recognised the independence of Mexico.

In August, 1829, General Jackson and Mr. Van Buren made a similar attempt to purchase Texas from Mexico; although, at the very moment, the great expedition of Barradas had sailed from the Havana to make a last and desperate struggle to recover Mexico, and, in the language of this commander, "to re-establish order, and the paternal government of the best of kings." This expedition was known to the whole world. Mr. Van Buren, so far from believing that the purchase of Texas from Mexico would be a violation of our treaty of peace with Spain, even whilst war was raging between that power and Mexico, actually urged the existence of this very war upon Mexico as a strong reason to induce her to make the cession. "The particularly threatening attitude of Spain at the present moment" was presented to Mexico as a most cogent reason why she should accept the money offered by the United States for Texas, and thus supply herself with the means of defending the residue of her territory. The idea of a violation of national faith towards Spain by the acquisition of Texas does not seem once to have occurred to the minds of either Mr. Adams, Mr. Clay, General Jackson, or Mr. Van Buren. Mexico now stands precisely in the same position towards the question that Spain did then; and, in accepting the cession of Texas from Texas herself, without the consent of Mexico, we no more violate our faith towards Mexico than all these distinguished statesmen would have done when they were intent upon obtaining the cession of the same territory from Mexico, without the consent of Spain. The difference is, indeed, greatly in favor of the present treaty. They were anxious to obtain the cession whilst actual war was raging between Spain and Mexico; but we delayed to make the attempt, until eight years had elapsed since the last serious effort was made by Mexico to subdue Texas. The truth is, this is not a question involving national faith at all; and it never would have been so considered, had we not ourselves proclaimed to the world

that it would be a heinous crime against Mexico to ratify the treaty.

I defy human ingenuity to point out a difference between the cases I have cited under the administrations of Mr. Adams and General Jackson and the present case, that would not operate in favor of the treaty now before us. Had we then purchased from Mexico, this would have been done without the consent of the inhabitants of Texas; but now we can obtain Texas by the unanimous consent of its free, sovereign, and independent people. But I promised not to enlarge upon this branch of the subject.

I shall now merely glance at a few of what I consider the minor objections to this treaty.

And first: It has been contended that the true boundary of Texas does not extend so far to the west as the Rio del Norte, and that for this reason we should violate the just rights of Mexico by ratifying the treaty. If this were true, those who make the objection ought to offer an amendment to the treaty, so to make it conform to the relative rights of the parties. But, sir, I ask you, could any reasonable man have expected that Texas would dismember herself, and proclaim to the world, on the face of this treaty, that the boundaries which she had solemnly established in 1836, by act of Congress, embraced territory rightfully belonging to Mexico? No, sir, no. We must accept Texas just as she is, or not at all; and after we have acquired the territory, we can then finally fix the boundaries between ourselves and Mexico, according to the rights of each and the mutual interest and security of the two countries. The present administration have done every thing on this subject which could reasonably have been desired. They left the boundary of Texas without specification in the treaty, and have promptly offered to adjust it with Mexico on fair and favorable terms. Texas has always claimed to the Del Norte, and is now in possession of the whole of the left bank of that river to the Passo, nearly a thousand miles from its mouth. Her claim to that portion of New Mexico which lies east of this river, and north of the Passo, is certainly of a very doubtful character, and it is one upon which we ought not to insist.

Again: It has been objected that we have made a bad bargain, by assuming to pay the debt of Texas, not exceeding $10,000,000. But will any senator contend that we could, either in honor or justice, accept all her broad lands, without paying

her debts? This we must do, unless we are willing to present ourselves before the civilized world as a nation of swindlers. Even if we were bound to pay these ten millions out of the treasury of the United States, the sum would be so small, when compared with the vast and enduring advantages of the acquisition, as scarcely to be worthy of a moment's consideration. But with the exception of $350,000, not a dollar will be drawn from the treasury. The residue is payable out of the proceeds of the public lands of Texas; and these lands yet unappropriated, according to a late report of their commissioner of public lands, exceed one hundred and thirty-six millions of acres. This may be, and probably is, an exaggerated estimate; but still there can be no doubt but that these lands will pay five times the amount of the debt thus assumed.

It has, also, been strenuously urged that, as Congress alone, under the constitution, possesses the power to declare war, the President and Senate have no power to make this treaty, because we would thus adopt the alleged war on the part of Texas against Mexico. But the answer to this argument is easy. Whether this war has any actual existence or not, the friends of the present treaty, so far as I know their opinion, have never entertained the idea for a moment either that it could be, or ought to be, executed without a previous act of Congress for this purpose. Indeed, from its very nature, it would require such an act before it could be enforced. If the United States should ever form a treaty of alliance with any nation, whether at the time engaged in actual hostilities or not, from the very nature of our government, no such treaty, which might involve the country either in immediate or prospective war, could ever be executed without the approbation of the House of Representatives, as well as the Senate. In all such cases, the war-making power must concur with the treaty-making power.

After presenting to the Senate a few general considerations on the subject of the treaty, I shall cease any longer to intrude upon their patience.

It is, I verily believe, the true interest of Mexico that Texas should be annexed to the United States. It is utterly impossible that a nation chiefly composed of native-born Americans, who carried with them all the principles and safeguards of political liberty—the habeas corpus, the trial by jury, a strict constitutional limitation of the powers of government, and a division of these powers into legislative, executive, and judicial—can ever

remain citizens of Mexico, where all these blessings are practically unknown. Besides, in the very nature of things, our race of men can never be subjected to the imbecile and indolent Mexican race. Sooner, far sooner, in all human probability, will Texas conquer Mexico, than Mexico subdue Texas. Should Mexico ever seriously invade Texas—let her government proclaim a crusade against Mexico, and thousands and tens of thousands of the hot and fiery spirits of the West will rush to the rescue of their brethren, in spite of all the efforts of our government to prevent. An army composed of such materials may fight a second battle of San Jacinto under the walls of Mexico, and raise the standard of the lone star on the battlements of Montezuma. Let Texas be reannexed to the United States, let the natural barrier between us and Mexico be thus restored, and all such dangers are ended. The two sister republics will then live in peace and harmony with each other.

What may and probably will be the consequence of our refusal to ratify the present treaty? There is a time, says the wise man, for all things under the sun; and if that time be suffered to pass unimproved, it rarely if ever returns. Should we refuse to embrace the present "golden opportunity" for consummating the union between the two republics, another may never be afforded. Will not our refusal, under all the circumstances, justly irritate the people of Texas against us? May she not be driven to take counsel from her interests instead of her inclinations; and in that case, is it quite certain that her eventual prosperity would not be better promoted by an independent existence, and a commercial alliance with Great Britain?

Besides, the Senate has entirely changed the ancient practice of the government, by publishing to the world all the correspondence connected with this treaty. I fear that our foreign ministers abroad will no longer be able to obtain information of a confidential character from other governments which it may be of the last importance for us to know; because they can give no pledge that what may be communicated under the sacred seal of confidence shall not be exposed to the world by the action of the Senate. Every man who has been abroad as a foreign minister will feel the force of this remark. On the present occasion, our young and yet comparatively feeble sister republic whispered to us, in confiding affection, that she was weak, and that she was destitute of resources; and yet the Senate have broken the seal of her confidence, and have thus proclaimed her embarrass-

ments to Mexico and to the world. If this information should provoke an attack from Mexico, and if we, after involving her in a new conflict, should stand coolly by, without coming to her assistance,—although I have no dread of the final result, yet our conduct would inevitably tend to alienate her feelings and arouse her indignation. If evil should result to her from this abortive attempt at annexation, her affection for us may be changed into bitter hatred, and future annexation be rendered impossible.

We cannot disguise from ourselves that the debate on this treaty has created new and powerful obstacles in the way of annexation. Had the treaty been ratified by the Senate—had the union between the two republics been completed, the subject would have passed away without producing a ripple upon the surface of public opinion throughout the world. It would have been an event so natural in itself, and so consonant to the wishes of both countries, that it would have attracted but little attention from other nations. Even Santa Anna himself, according to the enlightened opinion of Mr. Thompson, our late minister to Mexico—and no man had a better opportunity of judging—was prepared for our interposition. In his despatch to our Secretary of State of the 2d February last, he says:

"There may be other marauding forays like that of General Woll, retreating more rapidly than they advanced; but as to any regular and reasonably sufficient force invading the country, the thing is impossible, and will not be attempted. They cannot raise money to support such an army two months.

"*My opinion is, that, notwithstanding all their vaporing and gasconade, the most agreeable thing to Santa Anna would be an authoritative interposition of our government to put an end to the war, as he would then say that we were too strong for them to contend with.*"

The Edinburgh reviewer expressed his astonishment that the United States had not accepted the last offer of annexation which Texas made. It does not seem to have occurred to his mind that either national faith or national honor stood in the way. After we shall have rejected the present offer of Texas, his predictions may be verified. He says:

"The United States, in refusing to admit Texas into their confederation, have rejected an offer which, in all probability, will never again be made to them; and Texas becoming, as years pass by, more and more attached to its own institutions, its own distinct policy, and its own national character, will speedily regard the United States with some of those feelings of jealousy which nations always learn to entertain towards their nearest and most powerful neighbors. The commercial interest of Texas, and the antipathy

to the northern portion of the United States, which she inherits from her kindred of the southern States, will always tend to unite her with Great Britain."

But the aspect of the whole affair has entirely changed. Some of the most distinguished Senators have denounced the treaty as a violation of the national faith,—as unjust and insulting to Mexico,—as deserving the condemnation of the Christian world; and have attempted to excite universal indignation against its authors. Their voices will be heard both in Mexico and in Europe, and will arouse hostility everywhere against the treaty. Although this was far from their intention, their denunciations may excite Santa Anna to make a last and desperate struggle for the recovery of Texas, and will afford a pretext to the British government to use the most active means, and to resort to all the arts of diplomacy, to prevent future annexation. That government will now have time to muster its forces; as it will find the anticipation of Lord Aberdeen, that the Senate would not ratify the treaty, to have been well founded. There are some things that, if they are to be done at all, "then 'twere well they were done quickly;" and under existing circumstances, surely the annexation of Texas was one of this number. Had Mr. Jefferson not embraced the golden opportunity of annexing Louisiana to the United States when it was presented—had he delayed but for a single month—then this acquisition would, in all human probability, never have been made without an expensive and bloody war. One important advantage of the treaty-making power is, that it can act with secrecy and despatch, as it did in the purchase of Louisiana and the cession of Texas; but this advantage, so far as Texas is concerned, will now be lost to us forever.

This question will now give rise to a struggle between England (aided, most probably, by the present government of France) and the United States. England has long had her ever-watchful eyes intently fixed upon Texas; and she has strained every nerve to acquire an influence over that republic. At an early day she recognised the independence of Texas, and concluded a treaty of mediation with her, for the purpose of obtaining the recognition of her independence from Mexico. When our government and that of France proposed to unite with England in an effort to induce Mexico to recognise Texian independence, she refused the offer, doubtless under the belief that, by accomplishing the object separately, she would place Texas

under greater obligations. When General Houston proclaimed the abortive armistice to which I have referred, she had already acquired such an influence in Texas that, under it, hostilities were not to be resumed with Mexico until notice to that effect should be given through her Britannic Majesty's chargé d'affaires. At this moment, the successful diplomacy of our government arrested the career of England, and obtained the treaty which we are now about to reject. She will now return to the charge with redoubled vigor, and flushed with the highest hopes of success. Her present minister to this country was for many years her representative in Mexico, and is understood to be a great favorite with Santa Anna; whilst she is represented in Texas by the celebrated Captain Elliott, of Chinese memory.

Who doubts, from the evidence before us and around us, but that these functionaries are taxing all their abilities to the utmost to prevent Texas from being annexed to the United States? That the British government are intent upon preventing this reunion is no longer doubtful, since the late extraordinary remarks of Lord Aberdeen in the House of Lords. Indeed, it can be no longer disguised that this question has become a British and an American question. Under these circumstances, whilst England is using every effort of skilful diplomacy to acquire an influence in Texas, to be used notoriously to our prejudice, shall we coldly repulse her from our doors? I know we shall; but what may be the final result, Heaven only knows. My reliance is upon the people of Texas themselves, much more than upon their government. Their affection for the glorious land of their birth and its free institutions may yet baffle all the efforts of England. I trust they may consider the present abortive attempt to effect annexation as not final; and that they will patiently await the determination of the people of the United States, at the approaching elections, before they adopt any measures of which they may have cause to repent hereafter, and which might render annexation impossible.

REMARKS, JUNE 11, 1844,

ON THE DUTIES ON RAILROAD IRON.[1]

Against the bill reported by Mr. Evans, of Maine, from the Committee on Finance, "to provide for the remission of duties on railroad iron in certain cases"—

Mr. Buchanan said:

He had been greatly astonished, both at the character of this bill and the quarter from which it proceeded. That the chairman of the Committee on Finance, [Mr. Evans,] who had reported the tariff act of 1842, and sustained it throughout with distinguished ability, should now attempt to withdraw the protection which it afforded to the great iron interest of the country, was indeed wonderful; nay, amazing. Why this change? Was it because the senator, having already secured all the protection which he desired for the manufactures peculiar to New England, thought he might, with safety, turn round and relieve his constituents from the payment of duties on the great staple manufacture of other States of the Union? His bill proved that he was prepared to crush the vast iron interest of Pennsylvania, Maryland, and New Jersey, for the benefit of railroad companies; but a bill so unequal and unjust should never pass, whilst he (Mr. B.) entertained any hope of resisting it successfully.

I am glad (said Mr. B.) to perceive that I now have the undivided attention of the Senate; and if they will continue to accord it to me for a few minutes, I think I can demonstrate, to their satisfaction, that this bill ought never to become a law.

And, in the first place, I lay down the proposition broadly, that the burdens of this government ought to be borne, in equal proportion, by all the citizens of the country. Special privileges are odious to a republican people. Equality is the highest equity and justice. To exempt one man, or class of men, from taxes which you impose upon the rest of your fellow-citizens, is to war against the very spirit and genius of our government. In the eyes of the law, all men ought to be equal. Now, what does this bill propose? Whilst all other citizens of the country, under your general law, are compelled to pay a duty of $25 per ton on the rolled iron which they consume, this bill exempts railroad companies from the payment of any duty whatever on the iron rails employed by them in the construction of their roads. I ask

[1] Cong. Globe, 28 Cong. 1 Sess. XIII., Appendix, 680–682.

senators, whether friendly or hostile to a tariff, if by their votes they can sanction such an odious discrimination. But this is not all. Whatever may be the amount of taxes released to these companies under the present bill, the very same amount must be raised to supply the deficiency thus created in your treasury, by additional taxes upon the hard earnings of the other citizens of the country. You thus render them tributary to these chartered monopolies. Such privileges, granted in abridgment of common right, must, from their very nature, be at the expense of the rest of the community.

Now, sir, I am no enemy to railroad companies. Far, very far from it. On the contrary, I am their friend. They have done much good to the country, and deserve the gratitude of the people. All I desire is, that they shall stand upon the same footing with other highly meritorious interests, and not arrogate to themselves special privileges. The ship-builder who constructs the vessel destined to carry our productions over the world uses much iron in this great national manufacture. Might he not, with equal or greater propriety, ask exemption from duty on the iron which he thus employs? He might say, "American vessels engaged in foreign trade have to enter into competition, upon the ocean, with the vessels of all other nations; and therefore it is the policy of the government that they should be built at as cheap a rate as possible. Relieve us, then, from the duty. Railroad companies have not to contend against any such competition; they enjoy a monopoly of the domestic travel and trade; and therefore the ship-builder ought to possess at least equal, if not greater privileges." Our uncomplaining farmers, who pay their taxes without a murmur, might with equal justice ask an exemption from duties on the iron used in their ploughs and other agricultural implements. But neither the ship-builder, the farmer, nor the mechanic has ever thought of asking such privileges from Congress. Such a demand could only have been made by corporations.

And what, sir, is the chief and prominent reason which these railroad companies present for asking this exemption from duty? They most earnestly insist, because such companies had enjoyed this privilege for eleven years, previous to March, 1843, that therefore they ought to continue in its enjoyment. By this argument, an exclusive privilege, once granted, can never be arrested, and becomes perpetual. No matter what may be the abuse, it must continue forever.

But here let us briefly review our past legislation upon this subject.

In May, 1830, the duty on railroad iron was reduced to 25 per cent. ad valorem; and by the act of the 14th July, 1832, it was abolished altogether in favor of States and incorporated companies, provided the iron should be laid down upon their roads within three years after its importation. Thus stood the law until the passage of the act of 11th September, 1841, which imposed a duty of 20 per cent. ad valorem on railroad iron; but provided that the act should not affect such iron if imported and laid down prior to the 3d March, 1843, "on any rail or inclined planes of which the construction has been already commenced, and which shall be necessary to complete the same." Thus, sir, you will perceive that when Congress determined that railroad companies ought no longer to enjoy a privilege denied to all other classes of the community, we were yet still so indulgent as to continue this privilege during a period of eighteen months; and with this, in all conscience, they ought to have been satisfied. When, during the progress of that bill, on the 30th August, 1841, I moved to subject all railroad iron imported after its passage to the payment of duty, this motion was earnestly and ably resisted by the senator from Georgia, [Mr. Berrien.] We then had an informal understanding on the subject, which the Senate sanctioned; and the 3d day of March, 1843, was fixed as the last day on which this iron should be imported free of duty. I then hoped that the question was finally settled; but my hopes were vain.

While the tariff of 1842 was before the Senate, another effort was made by the senator from Georgia, [Mr. Berrien] to extend the time, during a period of three years, for the importation of iron free of duty; but, after debate, his proposition was negatived by a majority of more than two to one; and thus the 3d March, 1843, was again established as the last day on which this iron should be imported free of duty. Nothing discouraged, however, these companies, at the very next session of Congress, renewed their application, and succeeded in obtaining a report in their favor, from the Committee on Finance. That committee, by their chairman, [Mr. Evans,] on the 3d February, 1843, reported a bill (which was never acted upon) for the remission of duties on railroad iron. This bill was modest in its demands, compared with the bill now before us. It did not propose to remit the duties on any railroad iron imported since the 3d March, 1843—and in this respect it confirmed the two previous

decisions of the Senate—but it merely extended to these companies the privilege of laying down their iron, which had been imported previous to that date, until the 1st December, 1844; and if this were done, it relieved them from the duties. Besides, it was confined to railroads which had been commenced previous to September, 1841, and to the iron necessary for their completion.

That bill contained one most important provision for the security of the public treasury, which has been entirely omitted from the present bill. We all know the enormous prices which have been demanded by these companies for transporting the mail. In this respect they are perfect monopolies. The Postmaster General must accede to their terms. He has no other alternative but that of returning to mail stages, which would not be endured by the public. The bill of 1843, therefore, most wisely provided against this extortion. Under it, the companies receiving its benefits, if they could not agree with the Postmaster General upon the compensation for carrying the mail, were bound to refer the question to arbitration. I ask the Senator from Maine, why, in the present bill, he has abandoned this excellent regulation. Surely our experience ought to have taught us that such a provision is indispensably necessary to prevent extortion.

Disregarding the two solemn decisions of the Senate, to which I have referred, the present bill, as reported, granted to these companies the privilege of importing railroad iron free of duty, during the period of five years from its passage; and after this period, three years longer were allowed, to lay down the iron thus imported. It embraced all railroads, whether old or new, and even those which had already once enjoyed this privilege might enjoy it a second time. It is true that the Senator from Maine has since amended the bill so as to limit the privilege of importation to two instead of five years; but it still allows three years, after the two years shall have expired, to lay down the rails. And again, it has been so amended by him, that a railroad company, desiring to enjoy the privilege for a second time of importing their iron free of duty, must pay into the treasury, upon the old iron removed from their road, the duty paid by law on old or scrap iron. This duty is $10 per ton, while the duty on railroad iron, under the act of 1842, is $25. Thus, these companies, under the amended bill, would derive a benefit of $15 per ton on their new rails, after having imported the old ones free from duty altogether.

And what amount of duties, sir, do you suppose we have remitted on railroad iron between the first day of January, 1832, and the first day of March, 1843? According to the official documents now before me, the aggregate sum is $5,989,991.94—in round numbers, say six millions of dollars; which amount has been necessarily supplied by taxes on the rest of the community. The farmer, the ship-builder, and the mechanic have not only paid the duty on their iron, from which railroad companies have been exempted, but they have been compelled, by the payment of increased taxes on other articles of consumption, to make up the deficiency in the treasury thus created.

Suppose we had been asked to appropriate half a million a year, for eleven years, out of the public treasury, to the construction of railroads: how many votes would such a proposition have received? And yet several of the senators who deny the constitutional power to make appropriations to internal improvements are the most ardent friends of the present bill. I ask, what is the difference, either in fact or in principle, between relieving these companies from the payment of this amount of duties in the first instance, and appropriating the same amount for their use after it has been received? For my own part, if I were compelled to choose between the two alternatives, I should greatly prefer a direct appropriation out of the treasury. The world would then know what we had given; and the manufacturing interests of the country would not be injured by our donation.

These companies, so far from being satisfied with the past munificence of the government towards them, rely upon this as the foundation on which to rest their hopes of obtaining more. They are never discouraged by defeat. They always return to the charge, increasing their demands on each successive application to Congress. I confess that I dread their combined power and influence. There are now fifteen of these powerful companies before Congress, asking for a remission of the duties on railroad iron. Their roads are ramified throughout a large extent of the Union, and the stockholders are men of influence and character. The North, the South, the East and the West are thus combined in an effort to repeal the tariff of 1842, so far as the great manufacturing interest of Pennsylvania is concerned; and it is extremely doubtful whether we can make a successful resistance. They urge that as all the railroad companies then in existence had enjoyed an exemption from duty for eleven years,

equal justice requires that the same exemption should be extended to those which have since come into existence and have not enjoyed the same benefits. Should this principle prevail, the privilege can never end. Indeed, the argument would become stronger and stronger, as the number of companies increase to which you might extend the privilege, until at last it would be irresistible. In full view of all the considerations belonging to the subject, Congress, in September, 1841, determined that no railroad iron should be imported free of duty after the 3d March, 1843; and this determination was afterwards confirmed by the tariff act of August, 1842. They thus gave all concerned fair notice that, during the period of eighteen months, they might make as heavy free importations as they pleased, but that after this such importations should cease. These companies doubtless availed themselves of this extension of their license; and then they ought to have been content. If you will now reverse the two solemn decisions which have been already made, and grant them two more years from the passage of the present bill to make free importations, and at the end of this period three years longer to lay down their rails, you can never afterwards impose any limit on yourselves. So many companies will then have enjoyed the privilege, that you will scarcely be able to deny it to those who may come after.

In the face of all these facts, none but incorporated companies would have still persisted in demanding this exemption from the common burdens borne by the rest of the community. These companies, now banded together to accomplish a common object, and confident in their own power, seem determined to extort this privilege from Congress. They will persist, as they have already persisted, from year to year, in urging their claim with the same ardor as if they really believed themselves entitled to stand above the rest of the community. If you defeat them at this session, they will be here in greater force than ever at the commencement of the next. Their importunity will never cease whilst the least hope of success shall remain; and we have learned from our experience that they have both the ability and the will to select shrewd and skilful agents to accomplish their purposes before Congress.

Thus, sir, I think I have demonstrated that even if the duty on railroad iron were a mere revenue duty—even if not a pound of the article had ever been or could be manufactured in the United States, equal justice requires that it should pay the same

rate of duty with other iron. I shall proceed now to consider the question as connected with the great protective policy of the country.

It will be admitted by all that if there be any article which deserves incidental protection, this article is iron. It is necessary to our defence in war, and to our independence in peace. Nature, with a bountiful hand, has spread the ore over many States of the Union, and, by its side, in several localities, has placed anthracite and bituminous coal in the greatest abundance, as if to tempt man to engage in the manufacture. Wherever iron works exist, they create a great demand both for labor and agricultural productions. Without entering upon the argument at length, surely none will deny that the vast capital already employed in these establishments ought to be preserved from destruction, and that they ought not to be suffered to sink under the weight of foreign competition. Such has long been the policy of the government. Even under the act of 1816, which all parties have approved, rolled iron was subjected to a duty of $30 per ton—five dollars higher than the present duty.

But it has been asserted by the senator from Maine that railroad iron has not been, and cannot be, manufactured in the United States, even at the present prices, with the duty included, and, therefore, that to admit it free of duty will not injure the iron manufacturers. But why has not this iron been manufactured in our country? Is it for want of capital, skill, or enterprise? Surely this will not be contended. There is no mystery in the manufacture of railroad iron. It is a very simple process. We are informed by Mr. Oakley, of the New Jersey Iron Company, that "there is no difficulty in making railway iron, much less than in making many other kinds that have long been produced in this country." All that I have ever read or heard upon the subject corroborates the truth of this assertion. Why, then, has it not been manufactured? Simply, because, during the period of more than eleven years previous to the 3d March, 1843, it was imported free of duty; and ever since the passage of the act of September, 1841, there has been one continued struggle by the railroad companies, again to make it a free article. All will admit that so long as it was imported free of duty from England, it could not be manufactured in this country. But the senator from Maine asks, why has it not been manufactured since the present duty was imposed? I answer, simply because there is no security that it will not speedily again be made a free article.

Let the railroad companies cease from agitating this question; let them quietly submit to the existing tariff; let it once be established that railroad iron shall pay the same rate of duties with other rolled iron; and we shall soon have an abundant supply of the domestic article. This conclusively appears from the letter of the committee "appointed at a meeting of the iron and coal trade in Philadelphia," to the senator from Maine himself. Mr. Earp, the president of the Lehigh Crane Iron Company, declares "that, under the existing tariff, railway iron can be produced in this country at the present rate of import, (say fifty-five dollars per ton.) We have no hesitation in saying that, with a satisfactory assurance of a continuance of the present duty, that article would, in a short time, be extensively made in this country; and, with such assurance, we are prepared at once to put up a rolling mill and make contracts for the T or edge rail at the price above stated." Mr. Oakley, of the New Jersey Iron Company, makes a similar statement, but says it can be furnished in large quantities for less than $55 per ton. This company, he asserts, "would be glad to enter into contract with responsible parties if the quantity required should be sufficient to justify the outlay and preparation, at much less than the above price. An offer of $50 per ton would be entertained. I have no doubt that, should the present duty be continued, it will be furnished in less than five years by our own manufacturers for $40 per ton." Mr. Oakley also informs us that this company "have already procured all the drawings and other information necessary to the erection of the most perfect machinery for making railway iron; and when it shall be ascertained that the present Congress will not reduce the duty, we intend to prepare such machinery." We further learn from the senator from Maryland, [Mr. Merrick,] that the Mount Savage Iron Works, in his State, are now actually engaged in the manufacture of railroad iron, and are ready and willing to make contracts with railroad companies for its sale and delivery. And here I might advert to the fact that railroad iron was manufactured some years ago at the Great Western Iron Works, on the Alleghany river, in Pennsylvania. Governor Morrow, of Ohio, informed me that he had purchased three hundred tons of such iron from these works, at fifty dollars per ton, (according to my recollection,) for a railroad company of which he was the president, and expressed himself entirely satisfied with the quality of the article.

But I admit that the senator from Maine, so long as he shall

urge the repeal of the existing duties on railroad iron, will most probably preserve for himself the argument that little, if any, such iron is manufactured in the country. Who would change his pursuits, divert his capital from other objects, and expend large sums in preparing to manufacture railroad iron, whilst the very friends of the tariff are incessantly struggling to repeal the present duty? Permanence and certainty in your system are necessary to attract both capital and confidence; and while it remains doubtful whether these railroad companies shall not triumph over the tariff policy, there will be no large investment of capital in the business.

Thus it is clear, that if railroad iron has not been extensively manufactured in this country, it is solely because it has not heretofore received that incidental protection which other rolled iron has enjoyed. It is a little too much for human patience to be informed by the railroad companies that we have not manufactured, and cannot manufacture, railroad iron, when the special privilege which they themselves had enjoyed for eleven years, and their perpetual struggles ever since to obtain its restoration, are the only causes why this branch of manufacture is not now in as flourishing a condition as any other.

I confess, sir, that I have a little American feeling on this subject. As an American citizen, I cannot brook the idea that we shall be dependent upon Great Britain for the very materials necessary to construct the roads on which we travel. Surely American railroads ought to be constructed of American iron, when this effect can, as it will, be produced, by imposing the same duty on railroad iron as on all other iron of a similar character.

The senator from Maine contends that the construction of railroads is a most important and useful domestic manufacture, and ought to be encouraged. No man will deny the truth of this proposition. But in what manner encouraged? At the expense of the tariff policy? He certainly will not say so. Iron is the raw material used in the construction of these roads, as wool is the raw material employed in the manufacture of woollen cloth. You may contend, with equal propriety, that wool ought to be admitted free of duty, notwithstanding it might prejudice our wool growers, as that railroad iron should be thus admitted to the injury of our iron manufacturers. The truth is, that this question involves the whole principle of protection. The system must stand or fall together; and you must equally protect the raw material, if it be a domestic production, and the manufactured article.

or you will excite an intense war among the friends of the tariff, which must soon destroy it altogether. You cannot exclude iron from its operation without dealing it a deadly blow.

The senator has informed us that the British manufacturers have derived great benefits from the hot-blast, and that they now have on hand "one full year's supply for all the railroads in the world," which they can furnish at a reduced price. Admitting this to be the fact, what does it prove? Why, sir, this is the very mode by which they have always attempted to crush American manufactures, and this has furnished a principal argument in favor of incidental protection. The English sell all they can to other foreign nations, and then send the surplus to us, to glut our markets and ruin our manufactures. This fact, instead of benefiting the senator, furnishes a strong argument against repealing the existing duty.

But will the continuance of the present duty exercise any perceptible influence in preventing the construction of railroads? I humbly apprehend not, even upon the senator's own showing. According to his estimate, the whole amount of duty, under the present law, on the rails necessary for one mile of such a road, is $2,250. This is so small a sum in proportion to the entire cost of the road, that it will deter no company in the country from prosecuting their work.

In conclusion, I desire to call your attention to one important consideration. The present railroad companies rest their claim chiefly upon the argument that they are entitled to the same privileges which the older companies have already enjoyed. But even after the present companies shall have paid the duties under the existing law, they will obtain their iron at as cheap a rate as the older companies, who imported it free of duty. This important admission has been made on the first page of the letter from the president of the Boston and Fitchburg Railway Company, to the senator from Maine. By a reference to the prices current of this article in Wales, for a number of years past, it will be seen that up till near the time when we imposed a duty on railroad iron in September, 1841, the price varied from fifty-five to sixty dollars per ton. Since that time the price has fallen to $24 per ton, at which the Fitchburg company purchased their rails. Thus it appears that this company, which is one of the most earnest and persevering petitioners before Congress, will pay but $49 per ton, including the duty; whereas, if they had

purchased their iron in 1840, it would have cost them, without the duty, nearly sixty dollars per ton. They have been benefited in more respects than one, not injured, by the delay. Great improvements have been made in the construction of railways, and their cost has been much reduced since the earlier companies have completed their roads. Of all these advantages the works at present in progress will avail themselves.

By the last advices from England, as we are informed by the senator from New Jersey, [Mr. Miller,] the price of railroad iron has risen to £6 10s., or $32 per ton; and surely none will deny that it can now be manufactured in this country at a cheaper rate than this price with the present duty added.

There is one remarkable fact connected with this subject well worthy of serious consideration. Whilst railroad iron came to us free of duty, the price remained high in Great Britain. In January, 1840, its cost in Wales was £11 15s. sterling, or $58 per ton. In May, 1842, after a duty of 20 per cent. had been imposed, it sunk to £7 sterling, or $35 per ton; and in August, 1843, one year after the duty of $25 per ton had been imposed, it reached its lowest price, of $24 per ton, at which the Fitchburg company purchased. Do not these facts furnish a strong argument against the repeal of the present duty? Make the article once more duty free—in this manner afford the British manufacturers a security that they shall enjoy the exclusive possession of our market—and will they not again raise the price to $58 per ton, the standard of 1840? Our railroad companies would then be compelled to pay a higher price for the article than they do at present, whilst the treasury would lose the whole amount of the duties. We have been informed that the great iron masters of England act in concert, and control prices at their quarterly meetings; "and so absolute is this control, that every manufacturer must be governed by it, and is compelled to blow out his furnace," if necessary, to prevent an over-production. These facts go far to establish the principle which all our experience sanctions, that increased duties fall, in a great degree, upon the foreign producer, rather than the domestic consumer.

Then, sir, whether we desire to impose fair and equal taxes upon all classes of our fellow-citizens, or to preserve the policy of incidental protection unimpaired, we ought to negative this bill, and thus do justice both to the public treasury and the great iron interest of the country. I confess that I feel a deep solicitude

in its fate, as it would seem to have been chiefly aimed at the great staple manufacture of Pennsylvania.[1]

REMARKS, JUNE 14, 1844,

ON THE CHOICE OF PRESIDENTIAL ELECTORS.[2]

The bill being before the Senate to provide for the choice of presidential electors throughout the United States on the same day (the Tuesday after the first Monday in November)—

Mr. Buchanan said he believed that if there were a single question on which the people of the United States approached unanimity, it was, that the election of electors should be held

[1] The bill was then, on the 11th June, 1844, negatived, by a vote of 30 to 16; but, immediately thereafter, a motion was made to reconsider the vote, which prevailed, by a vote of 19 to 16, on the 14th June, in consequence of suggestions made by Mr. Berrien and Mr. Evans that they would move amendments to the bill which would render it more acceptable. Mr. Berrien then moved an amendment, the effect of which was to limit the free importation of railroad iron to such iron as had been already imported, or should be on board ship for importation before the passage of the act. This proposition was resisted by Mr. Buchanan and others, upon the principle that, if the duties should be remitted on railroad iron imported since the 3d March, 1843, and if the solemn and repeated decisions of Congress, fixing this as the last day for such free importations, should be reversed, then there could be no security hereafter for the iron interest of the country. The door, once opened, could not be closed.

"Mr. Allen said he perceived that there was no end to this business of corporation avarice, upon which the whole legislation of Congress was to be thrown away, to the utter neglect of the business of the country. To get rid of these mercenary corporation contests, he moved to lay the whole subject on the table, and called for the yeas and nays;" but his motion was negatived, by a vote of 21 to 22. Finally, after a long debate, and repeated motions, late at night, on the 14th June, 1844, Mr. Allen moved that the further consideration of the bill be postponed to the first Monday in December next; and it was determined in the affirmative, by a vote of yeas 21, nays 20.

Those who voted in the affirmative are—

Messrs. Allen, Atherton, Barrow, Bates, Bayard, Benton, Buchanan, Choate, Dayton, Fairfield, Haywood, Huntington, Mangum, Merrick, Miller, Morehead, Pearce, Sturgeon, Tappan, Walker, Woodbury.

Those who voted in the negative are—

Messrs. Archer, Bagby, Berrien, Colquitt, Evans, Fulton, Hannegan, Henderson, Huger, Jarnagin, Lewis, McDuffie, Phelps, Porter, Sevier, Simmons, Tallmadge, White, Woodbridge, Wright.

[2] Cong. Globe, 28 Cong. 1 Sess. XIII. 680.

on the same day throughout the Union. The prevailing impression everywhere was, that great frauds had been practised in the presidential election of 1840, for want of such a provision as that now proposed. What, then, was the only objection which had been urged against the passage of this law? It was this: that if it passed, it would be necessary to convene all the State legislatures in the Union between this and November, for the purpose of making the laws of the respective States conform to the proposed change. Now, if he (Mr. B.) entertained any such apprehensions, he would vote against the bill; but as he was very clear that no such consequence would follow, he would cheerfully give his support to the measure.

What was the language of the constitution? "The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States." The time, and the time alone, then, was under the control of Congress. They could fix the day on which the election should be held throughout the United States, but they could do no more. He should be glad to know, then, from any senator, what necessity there would be for convening the State legislatures, merely for the purpose of declaring that the day of election appointed by Congress should be the day of election throughout the several States. This would be a work of entire supererogation. Congress had the express power, under the constitution, to fix the day; and if we exercised this power, our law would have the same binding effect as if every legislature in the Union had separately designated the same day. In fact, it would change every State law to this extent, and in this particular; and the officers appointed by the State laws to hold the electoral elections would meet and hold the election on the day appointed by Congress, instead of that previously designated by the State legislatures. It would make no other change in these laws, but would leave them in full force in all other particulars. It appeared to him that it would be a most absurd cause for convening the State legislatures—that of ratifying an act of Congress, merely changing the day of holding the electoral elections.

The present was not at all like the case which had occurred in 1842. Congress then had passed a mandatory act requiring the State legislatures to change their laws in regard to the election of representatives in Congress. But this was no mandatory act. It was perfect and complete in itself, requiring no State legislature to pass any law to carry it into execution. Our power

over the presidential election was confined to the mere point of fixing the time when it should be held; and when we exercised this power, it *ipso facto* changed every conflicting State law, and created that entire uniformity which was intended by the constitution.

REMARKS, JUNE 15, 1844,

ON RETRENCHMENT AND REFORM.[1]

Mr. Morehead, of Kentucky, from the Committee on Retrenchment, presented a voluminous report, and asked that it be ordered to be printed.

Mr. Buchanan thought they might as well decide the question now, as at any other time. He was glad the Committee on Retrenchment had, at last, made its long-anticipated report. That committee was formed at the commencement of the extra session, immediately succeeding the election of General Harrison to the presidency. It was formed amidst a flourish of trumpets, for investigating and bringing to light the manifold abuses of the preceding administration. The country was promised, and expected, that the committee would unfold these manifold abuses. And now, after a three years' incubation, lo and behold! we have a report tardily brought forward into the Senate on the last day but one of the session, without one practical proposition to be acted upon, and containing nothing but old, threadbare and worn-out disquisitions about government patronage. He was willing to let his friend from Kentucky get rid of his profitless incubation. He did not wonder at his friend being tired of it at the end of three years, finding that no person had been able to lay his hand on a single item in the conduct of the late administration, upon which a specific charge, or the shadow of a charge, could be grounded. Let the senator have as many copies of this report printed as he pleased.

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[1] Cong. Globe, 28 Cong. 1 Sess. XIII. 689.

TO GOVERNOR LETCHER.[1]

LANCASTER 27 June 1844.

MY DEAR SIR/

I have this moment received your very kind letter [2] & hasten to give it an answer. I cannot perceive what good purpose it would subserve Mr. Clay to publish the private & unreserved conversation to which you refer. I was then his ardent friend & admirer; and much of this ancient feeling still survives notwithstanding our political differences since. I did him ample justice but no more than justice both in my speech on Chilton's resolutions & in my letter in answer to General Jackson.

I have not myself any very distinct recollection of what transpired in your room nearly twenty years ago; but doubtless I expressed a strong wish to himself, as I had done a hundred

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[1] Buchanan Papers, Historical Society of Pennsylvania; Curtis's Buchanan, I. 559.

[2] The letter of Governor Letcher was as follows:

(*Private.*) FRANKFORT, 20th June/44.

MY DEAR SIR.

Mr. Clay is very much provoked with Genl. Jackson and other malicious persons for attempting to revive against him that old, vile, miserable calumny of "bargain and sale." It is, I must confess, as you and I both know, a most villanous outrage, and well calculated to excite the ire of any man upon earth. I am not at all surprised, therefore, that he should feel indignant upon the occasion.

I am told he is resolved upon "carrying the war into Africa." Indeed I saw him for a few minutes shortly after he returned from Washington, when he alluded in some such terms to the subject. He was quite unwell at the time, and the conversation was very brief. It seems now (I was so informed an evening or two ago) he threatens to make a publication in vindication of his own character. What else he may do or say, I do not know. This much I learn,—he will call upon me to give a statement of the conversation which took place between you and himself in my room in reference to the contest then pending between Adams & Jackson.

I shall regret exceedingly if any such call is made upon me. Many years ago, as you remember, a similar call was made, and on my part refused. I do not at present perceive any good reason why I should change my opinion. The truth is, if my recollection serves me, after several interviews with you in regard to the matter, I told you explicitly I did not feel at liberty to give the conversation alluded to, and would not do so under any circumstances, without your express permission. Am I not right in my recollection?

I do not think I shall or can be convinced that my decision as heretofore made is not perfectly correct.

With great regard, R. P. LETCHER.

times to others, that he might vote for General Jackson, & if he desired, become his Secretary of State. Had he voted for the General, in case of his election I should most certainly have exercised any influence which I might have possessed to accomplish this result; & this I should have done from the most disinterested, friendly & patriotic motives. This conversation of mine, whatever it may have been, can never be brought home to General Jackson. I never had but one conversation with him on the subject of the then pending election & that upon the street; and the whole of it verbatim et literatim when comparatively fresh upon my memory was given to the public in my letter of August 1827. The publication then of this private conversation could serve no other purpose than to embarrass me & bring me prominently into the pending contest,—which I desire to avoid.

You are certainly correct in your recollection. You told me explicitly that you did not feel at liberty to give the conversation alluded to & would not do so, under any circumstances, without my express permission. In this you acted as you have ever done, like a man of honor & principle.

With every sentiment of regard, I remain sincerely your friend JAMES BUCHANAN.

HON: R. P. LETCHER.

TO MRS. CATRON.[1]

[About July 12, 1844.]

MY DEAR MADAM:—

I sincerely thank you for having taken compassion on my forlorn and destitute condition. I can assure you that I greatly prefer the stray rays of comfort from yourself to "basking in the charms of any blooming widow" in the land. I do not like everlasting sunshine, or too much of a good thing:—and as to widows, "I'll none of them. Comparisons are odoriferous," as Dogberry says.

Ere this you have learned that with all your shrewdness you were mistaken. The President is the most lucky man that ever lived. Both a belle and a fortune to crown and to close his Presidential career.[2]

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[1] Curtis's Buchanan, I. 529.

[2] This refers to President Tyler's marriage to Miss Gardner.

I hope you will be able to give Polk Tennessee. All appearances indicate his signal triumph in the Keystone State. His tariff letter to Kane was a good thing for us. Under the circumstances, I do not think a better nomination could have been made; and as I had the honor of being Mrs. Polk's candidate I feel myself bound both in gallantry and in gratitude to do my best for the election of her husband.

When she becomes the lady of the White House, as I believe she will be, I shall both expect and desire to be a favorite. As to yourself you stand fair under all administrations.

Remember me most kindly to the judge, and believe me ever to be sincerely and respectfully

Your friend,

JAMES BUCHANAN.[1]

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[1] The letter from Mrs. Catron, to which this is a reply, is as follows:

NASHVILLE, July 4, 1844

DEAR SIR:—

I have received your kind letter of the 23d of June, and I feel a just appreciation of the compliment, in being selected from the number of your many fair and accomplished friends, as the companion of your solitude. I know "it is not good for man to be alone," and if you could but take time to remember the sage advice I have often given you to the contrary of such an unchristian and vain attempt, you would now be basking in the charms of some blooming widow, and not be driven to the humble necessity of seeking stray rays of comfort from the "old head on young shoulders" of other men's wives. As, however, you are brought to the sad predicament—and strange to say, I am but little better off during the court,—and as nothing I just now think of affords me more pleasure than to add a crumb of support to your forlorn condition by boarding with you next session of Congress, and as Mr. Catron is the most generous of husbands to risk such dangerous associations, he will write to Mr. Carroll to engage us a house.

N. B.—The court and Congress now meet at the same time, and Polk runs for President only once—positively only once—and all anti-annexation men are dead and buried. So *I* think, and that you know is law to you, as in Miss Gardner's case, of whose ambitious aspirations I don't believe one word. In conclusion, permit me to say that on this occasion I have availed myself of your once offered kindness of the liberty of speech.

Most truly your friend,

M. CATRON.

THE HON. JAMES BUCHANAN.

TO MR. STERIGERE.[1]

LANCASTER 17 July 1844.

MY DEAR SIR/

It was both pleasant & refreshing to receive a letter under your well known hand. It is so long since I have enjoyed such a treat, that I consider it a "bonne bouche." I hope it may never again be such a rarity.

Nearly half my time is now occupied in writing answers to invitations to Mass, County, Township & association meetings; and many of them are not satisfied with a single answer. I scarcely know what to do. If I once begin, to which I am very reluctant, I must continue. A public man cannot make selections. Besides I have not been well since the adjournment of Congress: and must go to Bedford or have a bilious fever. I have never been in the Northern Counties of the State; and if I make a start at all, I shall visit them in September. Should I commence earlier, I would be broken down long before the election. I would thank you, therefore, not to have me invited to address your meeting. Indeed it is very uncertain whether I can attend.

When you & I served with Mr. Polk in Congress, neither of us probably supposed that he would ever be President. He has since greatly improved. The last time he was in Washington he dined & passed the afternoon with me; and the change forcibly impressed itself on me. Under all the circumstances, I believe no better selection could have been made. I think there is but little doubt that he will carry Pennsylvania & be elected, even without New York or Ohio, unless we have been greatly deceived by our Democratic friends on the strength of the Texas question in the South. The returns from Louisiana do not please me.

I am much urged to attend the Nashville meeting on the 15th August: but the thing is impossible. I fear that the "hot bloods" of the South may say or do something there to injure us in the North. They are becoming rabid again on the subject of the Tariff. I have written to Donelson this day, strongly urging caution & discretion in their proceedings.

Please to remember me very kindly to my friend Slemmer & believe me ever to be sincerely & respectfully your friend

JOHN B. STERIGERE ESQ. JAMES BUCHANAN.

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[1] Buchanan Papers, Historical Society of Pennsylvania; Curtis's Buchanan, I. 524.

TO GOVERNOR LETCHER.[1]

LANCASTER 27 July 1844.

MY DEAR SIR/

I have received your kind favors of the 7th & 19th Instants;[2] and am rejoiced to learn that your distinguished friend has probably thought better of the publication. You have ever been a sagacious man & doubtless think that James K. Polk is not quite so strong an antagonist as Andrew Jackson, & therefore that it would not be very wise to drop the former and make up an issue with the latter. If this had been done, it would not be difficult to predict the result, at least in Pennsylvania.

The whole affair has worried me much from first to last; & yet I have been as innocent as a sucking dove of any improper intention. First to have been called on by Jackson as his witness against Clay, and then to be vouched as Clay's witness against Jackson, when before Heaven I can say nothing against either, is a little too much to bear patiently. I have got myself into this scrape from the desire which I often expressed & never concealed,

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[1] Buchanan Papers, Historical Society of Pennsylvania; Curtis's Buchanan, I. 511.

[2] Governor Letcher's letters were as follows:

FRANK. 7th July/44.

MY DEAR SIR

I have reed. your answer to my letter. I am glad your recollection of what took place between us corresponds so exactly with mine.

I will not in any event violate *my promise*, and *shall*, indeed *did*, say as much to my distinguished friend. My resolution upon this point is firm and decided, and I do not think it can be changed.

Polk! Great God, what a nomination! I do really think the Democratic Convention ought to be d—d to all eternity, for this villanous business. Has Polk any chance to carry Pennsyla.?

I write you very hastily to get my letter in to-day's mail. More hereafter. Your sincere friend,

R. P. L.

FRANK. 19 July 1844.

MY DEAR SIR.

I have not seen Mr. C. since I wrote you, nor have I heard a single word more about that threatened publication. I hope he has thought better of it. I told him when I did see him, not to expect from me any statement of what took place in my room between you and him,—that I had made up my mind upon that subject years ago, and did not now see any good reason for changing it.

I hardly think he will make a publication without submitting it to me; indeed, I believe he said so expressly. As I can perceive no earthly good

that Jackson first of all things might be elected President by the House & that Clay might next be his Secretary of State.

It was a most unfortunate day for the Country, Mr. Clay & all of us, when he accepted the office of Secretary of State [under J. Q. Adams]. To be sure there was nothing criminal in it; but it was worse as Talleyrand would have said, it was a great blunder. Had it not been for this, he would in all probability now have been in retirement after having been President for eight years; and friends like you & myself who ought to have stood together through life would not have been separated. But as the hymn says, I trust "there's better days a coming."

You ask:—Has Polk any chance to carry Pennsylvania; & I answer I think he has. Pennsylvania is a Democratic State by a majority of at least 20.000; and there is no population more steady on the face of the earth. Under all the excitement of 1840 & Mr. Van Buren's want of popularity, we were beaten but 343; and ever since we have carried our State elections by large majorities. Besides, Muhlenberg our candidate for Governor is a fast horse & will certainly be elected; and the Governor's elec-

growing out of such a movement, of course I shall continue to oppose it in every possible manner. He has a great many facts now in his possession, and some much stronger than I had supposed to exist, and no doubt could put forth a powerful document, but he shall [not] do it, with my consent.

I had a short *chat* with Col. Benton a few days ago. If you remember, he was always a good friend of mine, and having the fullest confidence in my discretion, he talked very freely. It was "*Multum in parvo*," *literally*. Well, the truth is, your party, *speaking classically*, have come to a poor pass. *Polk* for your leader! and then to think of such villanous intrigues to get him on the track, and such old warriors as *Van Buren, Buchanan*, both the very fellows who were so rascally *cheated*, being compelled to support the "cretur." Why, I had rather die.

The fact is, both Benton and yourself are hunted down daily by your own dogs. No two men are more constantly the subjects of vituperation by your own party, and I would see them at the Devil before I would act a part in such a miserable play as they are now getting up. Besides, you owe it to your own Tariff principles, to your state, to your country, to your own character, not to engage in the dirty job of trying to elect such an *affair* as Polk to the greatest office in the world.

Our Whig candidate for Govr. is a death slow nag, as they tell me, still he is a very worthy gentleman, and, I presume, will be elected very easily, but he is 12 or 15 thousand votes weaker than Clay. I go to no public gatherings, but shall soon be let loose, thank God.

R. P. Letcher.

See, also, another letter from Governor Letcher to Mr. Buchanan, of August 3, 1844, in Curtis's Buchanan, I. 512.

tion will exercise much influence on the Presidential.—But your people, notwithstanding, are in high hopes; & after my mistake in 1840. I shall not prophesy positively.

I was ignorant of the fact that any portion of the Democratic party were playing the part of Actæon's dogs towards me. I stood in no man's way. After my withdrawal I never thought of the Presidency & the few scattering votes which I received at Baltimore were given to me against my express instructions at least so far as the Penna. Delegation were concerned. The very last thing I desired was to be the candidate. If they desire to hunt me down for any thing, it must be because I have refused to join in the hue & cry against Colonel Benton, who has been for many years the sword & shield of Democracy. Although I differed from him on the Texas question, I believe him to be a much better man than most of his assailants. I sincerely hope that they may not be able to defeat his re-election to the Senate. I have delayed the publication of my Texas speech, to prevent its use against him in the approaching Missouri elections.

It is neither according to my taste nor sense of propriety, as a Senator of the United States, to take the stump & I have yet resisted all importunities for that purpose. Whether I shall be able to hold out to the end I do not know. It is sincerely my desire. I owe Muhlenberg much kindness: & if he should request it I could not well refuse. Should I enter the lists I shall never say, as I never have said, any thing which could give the most fastidious friend of Mr. Clay just cause of offence. I shall go to the Bedford Springs on Monday where I expect to remain for a fortnight.

As I grow older I look back with a mournful pleasure to the days of "auld lang syne.' There was far more heart & soul & fun in our social intercourse then than exists "in these degenerate days." But perhaps to think so is an evidence of approaching old age. Poor Governor Kent! I was forcibly reminded of him a few days ago, when at the funeral of a friend, I examined his son's grave stone, who was a student of mine. To keep it in repair has been for me a matter of pious duty. I loved his father to the last.

But "away dull melancholy." I wish I could have you with me here for a few days. I have better wine than any man between this & Frankfort & no man in the world would hail you with a heartier welcome. When shall we meet again.

Ever your sincere friend

Hon: Robert P. Letcher. James Buchanan.

TO MR. SHUNK.[1]

HARRISBURG 14 August 1844.

MY DEAR SIR/

Upon learning the lamented death of Mr. Muhlenberg at McConnellsburg, instead of proceeding to Mercersburg, I hurried on to this place. I did not, however, reach here in time for the meeting of the Central Committee. If I had, I should have endeavored to procure the insertion of a paragraph in their address in echo of the public sentiment in favor of your nomination. But all's well, thank God!

I have just had a long conversation with Messrs. Lescure & M'Kinley, the editors of the Union; and they have promised to come out vigorously in your support. They will raise your name at the mast head of their next paper. It must be admitted that the Union has been conducted with great energy & ability; and it is now considered as the organ of the Democratic party throughout the State. In conversing with the editors, they were naturally solicitous in regard to their own position in your estimation, in consequence of the support they had given to Mr. Muhlenberg. I undertook to assure them, from my perfect knowledge of your character, "that Mr. Shunk as governor would forget all that had transpired previous to his nomination; and that he would be the last man in the world to harbor any resentment against those who had sustained Mr. Muhlenberg.—That whilst he would give no pledge to any individual in advance, I felt confident he would embrace the first opportunity of declaring that by gones should be by gones.—That he owed this to his party of which he was the honored representative, & to the success of the great cause with which he was identified; & that he never yet had failed to perform any duty public or private."

The burden of the contest will mainly rest upon the Editors of the Union; and they will enter into it with zeal & ability. They desire nothing from you but your good opinion to cheer them on in the tremendous conflict in which we are engaged. May I then ask you to say to me, whether I have gone too far in making the statement to them which I have done. I feel conscious that I have not; but still it might increase their zeal & animate their exertions in support of the "good old cause," if

[1] Buchanan Papers, Historical Society of Pennsylvania.

they knew that the sentiments which I have expressed had received the seal of your approbation.

The Governor will no doubt attempt to tamper with some of the Delegates; but his efforts will be all in vain. The days of his political influence are numbered.

Please to remember me most kindly to Mrs. Shunk & the young ladies & believe me ever to be sincerely & respectfully

Your friend

JAMES BUCHANAN.

FRANCIS R. SHUNK ESQ.

P. S. I shall leave for Lancaster this afternoon & intend, very shortly, God willing, to make a campaign through the Northern Counties of Pennsylvania. I wish very much that a short biography of you could be speedily published. I would prepare it with great pleasure if I had the materials; but this could probably be better done by some person in Pittsburg who could have free personal communication with yourself.

TO MR. SHUNK.[1]

LANCASTER 15 August 1844.

MY DEAR SIR/

I am about to write you a letter of advice. I know that this is generally an unwelcome duty; but I rely upon your own good sense & upon your knowledge of my sincere friendship for you to plead my apology.

You are now placed in a peculiar position & one which demands peculiar wisdom & caution. No man can act his part well without realising the exact circumstances in which he is placed. Amidst the rush of friends around you, there will not be time for much reflection; and it is for this reason that I write.

Mr. Muhlenberg's friends are numerous, powerful & well organized. It is not in human nature for them not to feel disappointed. Besides, the warm & active part which many of them took to obtain his nomination will render them peculiarly sensitive & suspicious in regard to your feelings. In order to render your success certain, your administration happy & your re-election secure, it is necessary to conciliate them by every honorable

[1] Buchanan Papers, Historical Society of Pennsylvania.

means. Both principle & policy dictate this course; because the union & success of the party are above all other considerations. How is this to be accomplished? Simply by pursuing such a course as to render it manifest that you will bury in oblivion all the past, & treat the friends both of Shunk & Muhlenberg, as Democrats, with equal favor according to their deserts. It was a noble sentiment of a King of England that he would not avenge his quarrels as Prince of Wales; and I feel confident that in the administration of the Government you will inquire, in your selections for office, not whether a man was for Shunk or Muhlenberg, but only "is he honest, is he capable."

I have thought of going to the Convention as a Delegate. I wish you to be nominated with unanimity & enthusiasm & without any heart burning on the part of Muhlenberg's friends. If you should deem it proper to pursue the course which I have recommended & to make any communication to me to that effect, I think you may rely upon my prudence & discretion in bringing it home to the friends of Mr. Muhlenberg in the Convention in such a manner as to produce the desired effect without committing you improperly. They ought to know that they will have a fair share of your countenance & patronage. I wish you to reflect upon this subject; and if you should concur with me, in opinion, I shall get Mr. Findlay to resign & go as a Delegate in his place. It is my soul's desire to give you a fair start & to see you elected by a triumphant majority.

By the by:—I came down in the car yesterday from Middletown with General Cameron. You know him well. He is a man of warm temperament & of ardent personal attachments. He had been a devoted friend of Mr. Muhlenberg in 1835 & felt his honor concerned to sustaining him in 1844. His zeal probably carried him too far in the cause of his friend, & I found that he felt deeply mortified because he had learned that Elisabeth would not go to see his family & assigned as a reason that he was opposed to her father. I have ever considered him the life & soul of the Muhlenberg party. His energy & activity & skill will always make him a formidable foe or a useful friend. I think he is sincerely desirous of sustaining you strongly. He says that your families were on terms of intimate friendship & that you were his second choice; but that you never ought to have blamed him for adhering to Muhlenberg & that you well know he is incapable of advocating any cause except with all his might. I mention this circumstance that you may if you think

proper shew him that you cherish no personal hostility against him. He has ever been a devoted personal friend of mine, notwithstanding we have sometimes differed strongly & widely on political questions.

With sentiments of the highest respect, I remain
Sincerely your friend

James Buchanan.

Francis R. Shunk Esq.

I have written & sent an editorial to the Union.

TO MR. SHUNK.[1]

Lancaster 30 August 1844.

My dear Sir

I omitted to say to you that in consequence of a letter received from Mr. Kane I thought it best to send him the newspapers & let him prepare the biography, informing him at the same time that Captain Findlay & myself would be most happy to furnish him any information in our power. He wished it to be of a particular length so as to correspond with those of Polk & Dallas.

Magraw & Black were here yesterday afternoon & passed on to Philadelphia. The information which they communicated that Governor Porter had received a formal invitation to your mass meeting produced considerable sensation among those who heard it.

I intend to leave here on Monday or Tuesday for my northern tour. I have communicated to Cameron what you said in answer to my letter, without mentioning Magraw's name; & he seems to be satisfied. I hope, that according to my suggestion, you may have authorised some persons to say all that is proper to the friends of Muhlenberg.

from your friend
very respectfully

James Buchanan.

Francis R. Shunk Esq.

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[1] Buchanan Papers, Historical Society of Pennsylvania.

TO ———.[1]

LANCASTER 6 September 1844.

MY DEAR SIR/

I have been quite ill, but in half an hour I set out for the Northern Counties of Penna. I know I could do more good by remaining at home & writing to all parts of the State; but my friends think otherwise. I am nearly worn down; & would not write but to say, "For Heaven's sake let our friend the Colonel write nothing more on the subject of the Tariff." His letter to Kane was discreet; and we can get along with it very well. Let him stand upon that; & I think he may rely with confidence on the vote of Pennsylvania. I should very much dread the effect of a declaration under his own hand at the present moment against the Act of 1842: and surely this cannot be necessary to sustain our cause in the South. Both my regard for the Col: & my state pride make it a subject of the deepest interest & feeling to me, that we shall give him the Keystone by a handsome majority. Let us alone & we shall do it.—I have a right to speak on this Tariff question—as I expressed a strong opinion myself against portions of the present Tariff & offered to accept the Compromise Act as it stood in 1839. I retain these opinions whilst I am a strong advocate of reasonable discriminations with a view to incidental protection. In great haste & in feeble health I remain sincerely

your friend

JAMES BUCHANAN.

TO MR. POLK.[2]

LANCASTER 23 September 1844.

MY DEAR SIR/

I have delayed to write to you on purpose until I could express a decided opinion in regard to the vote of Penna. I was so much deceived in the result of our State election in 1840, that this has made me cautious. We have had much to contend against, especially the strong general feeling in favor of the Tariff

[1] Buchanan Papers, Historical Society of Pennsylvania.

[2] Buchanan Papers, Historical Society of Pennsylvania; Curtis's Buchanan, I. 523.

of 1842; but notwithstanding all, I am now firmly convinced that you will carry the Keystone by a fair majority. Your discreet & well-advised letter to Mr. Kane on the subject of the Tariff has been used by us with great effect.

There may, I fear, be some falling off in the City & County of Philadelphia both on account of the Native American feeling & for other causes. We have been much at a loss for an able & influential Dem: paper there, devoted to the cause rather than to men. The Pennsylvanian is owned by a clique of the exclusive friends & officeholders of Mr. Van Buren, most of whom are obnoxious to the mass of the Democracy. It now does pretty well; but it harped too long on the 2/3ds rule.

I have had several times to assure influential individuals in that City, without pretending however to know your sentiments, that as you were a new man yourself & would be anxious to illustrate your administration by popular favor as well as sound principles, you would not select old party hacks for office merely because they had already held office under Mr. Van Buren. By the by this gentleman's conduct, since your nomination, deserves all commendation.

In my late political tour through the northern counties of Pennsylvania, I met many New Yorkers at Towanda. Among the rest were some of the members of the late Syracuse Convention. They assured me, that after canvassing the information brought by the Delegates from all parts of the State, they had arrived at the confident conclusion it would vote for Polk & Dallas. I have this moment received a letter from the Hon: Mr. Hubbell of Bath, in that State, a member of the present Congress, which assures me that we shall carry it by a majority of from 15 to 20,000, and so mote it be!

Please to remember me, in the very kindest & most respectful terms, to Mrs. Polk. Tell her that although I have nothing to ask from the President I shall expect much from the President's lady. During her administration I intend to make one more attempt to change my wretched condition, and should I fail under her auspices I shall then surrender in despair.

With sentiments of the highest regard, I remain

yr. friend sincerely

J. B.

Hon: James K. Polk.

FROM MR. POLK.[1]

(*Private.*)

COLUMBIA TENN. Octr. 3d 1844.

MY DEAR SIR:

I thank you for the information which you give me in your esteemed favour of the 23d ultimo.—The account which you give of the political prospects in Pennsylvania accords with all the information which I have received from other sources.—The Great "Key-Stone State" will, I have no doubt, continue to be, as she has ever been, Democratic to the core.—I was glad to have your opinion of the probable result in New York as well as in Pennsylvania, because I have great confidence in your sober judgment, and know the caution with which you would express an opinion.—I received a letter from *Gov. Lumpkin* of Georgia on yesterday, giving me strong assurances that that State is safe.—We may not carry a majority of the members of Congress at the election which takes place next week, because of the peculiar arrangement of the Districts—which were laid off by a Whig legislature—but that we will have a decided majority of the popular vote he has no doubt. —In this State our whole Democracy were never more confident of success. —It is true we have a most exciting and violent contest, but I think there is no reason to doubt that the State will be Democratic in November.—A few weeks, however, will put an end to all speculation in the State, and in the Union.

The State elections in Pennsylvania and New Jersey will be over before this letter can reach you.—Will you do me the favour to give me your opinion whether the vote in these elections may be regarded as a fair and full test of the strength of parties in November?

Thanking you for your very acceptable letter, I am very sincerely

Your friend

HON. JAMES BUCHANAN
Lancaster
Pennsylvania.

JAMES K. POLK.

TO MR. POLK.[2]

LANCASTER 4 November 1844.

MY DEAR SIR/

I think I may now congratulate both yourself & the Country on your election to the highest & most responsible Office in the World. After our glorious victory on Friday last, I can entertain no doubt of the final result. I feel confident that New York

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[1] Buchanan Papers, Historical Society of Pennsylvania. This letter is erroneously given in Curtis's Buchanan, I. 522, under date of August 3, 1844.

[2] Buchanan Papers, Historical Society of Pennsylvania; Curtis's Buchanan, I. 525.

will follow in our footsteps, notwithstanding their majority may be greatly reduced as ours has been by an unholy union of the Native Americans with the Whigs.

Never have there been such exertions made by any party in any State as the Whigs have made since our Governor's election to carry the Keystone. They have poured out their money like water; but our Democracy has stood firm every where, except the comparatively few who have been seduced on the Tariff question & those whom the Native American humbug has led away. Immediately after the first election we requested our honest & excellent Governor elect to come East of the mountains & take the stump in your favor: and this was no sooner said than done. He produced a powerful impression wherever he went. I attended two mass meetings with him & he made speeches at several other places. In "Old Berks," he gave it to them both in Dutch & English much to their satisfaction.

Whoever has observed with a reflecting eye the progress of parties in this Country must have arrived at the conclusion that there is but one mode of reuniting & invigorating the Democratic party of the Union & securing its future triumph & that is, whilst adhering strictly to the ancient land marks of principle, to rely chiefly on the young, ardent & efficient Democrats who have fought the present battle. These ought not to be forgotten in the distribution of the offices. The old office holders generally have had their day & ought to be content. Had Mr. Van Buren been our candidate, worthy as he is, this feeling which every where pervades the Democratic ranks, would have made his defeat as signal as it was in 1840. Clay would most certainly have carried this State against him by thousands: & I firmly believe the result would have been similar, even in New York. The Native American party in Philadelphia never could have become so strong, had it not been for the impression which to some extent prevailed there that your patronage would be distributed in that city amongst those called the old Hunkers, by the Democratic masses.

Yours is a grand mission; and I most devoutly trust & believe that you will fulfil it with glory to yourself & permanent advantage to the Country. Democrats have been dropping off from the party from year to year on questions not essentially of a party character. It will be your destiny to call home the wanderers, & marshal them again under the ample folds of the flag of Democracy. It is thus that the dangerous Whig party

will be forever prostrated & we shall commence a new career of glory guided under the old banner of our principles.

From the violence of the Southern papers, & some of the Southern statesmen, I apprehend that your chief difficulty will be on the question of the Tariff. They seem to cling with great tenacity to the horizontal ad valorem duty of the Compromise Act, which, independently of the injury inflicted on the Country, would in practice prostrate the Democracy of the Middle & Northern States, in a single year; because it would destroy all our mechanicks who work up foreign materials. If the duty on cloth & ready made clothing were both 20 per cent. ad valorem we should soon have no use for tailors in our large towns & cities. So of shoemakers, hatters &c. &c. &c. Foreigners would perform the mechanical labor.

The Tariff ought to have been permanently settled in 1842. That was the propitious moment. With much difficulty I then prevented myself from being instructed, that I might be free to act according to my own discretion. I then proposed to our Southern friends to adopt the Compromise Act as it stood in 1839. The Treasury required fully that amount of duties; whilst such a measure would have saved their consistency. For some time I thought they would have gladly embraced this proposition, which was presented by Mr. Ingersoll in the House; but at a great Caucus of the party several of the ultras opposed the measure; & the consequence has been the extravagant Tariff of 1842. Had my proposition been adopted, the Country would have been just as prosperous as it is at present; & this would have been attributed in the North to that measure, as it now is to the Tariff of 1842. You would then have received a majority of 25.000 in Penna.

With sentiments of the highest respect, I remain
Sincerely your friend

James Buchanan.

Hon: James K. Polk.

P. S. I find I have omitted to say that when your letter arrived I was absent from home on a political excursion, & when I returned it was so near the election that I concluded I would not write till the result was known.

REMARKS, DECEMBER 17, 1844,

ON THE NATURALIZATION LAWS.[1]

Mr. Buchanan presented a memorial from sundry citizens of the commonwealth of Pennsylvania, asking that the naturalization laws be so changed as to require a residence of 21 years from foreigners, after their declaration of intention to become citizens, before they shall be entitled to the privilege of citizenship.

Mr. B. said he had also received, with this memorial, a request from a respectable citizen of Philadelphia, that he should express his opinion on this subject at the time of the presentation of the memorial. He did not consider this a proper time to enter into a discussion of this great question. At the same time, he had no objection to state that he was against extending the time of the residence of foreigners beyond the period of five years, which was now necessary to acquire the rights of citizenship. He entertained the same opinions now, upon this subject, that he entertained when he formerly presented memorials of this nature; but if it should be established that the present naturalization laws were not a sufficient guard against frauds, and if it should be established that frauds had been committed to anything like the extent mentioned, he should go with him who went farthest so to amend the naturalization laws that fraud would not be the consequence of this system; and he believed that every citizen of the country, whether native or naturalized, was deeply concerned in suppressing these frauds, if such did exist, upon the rights of the citizens of the United States. Without going further into this subject at present, and stating that at the proper time he should be ready to express his views upon it, he moved the reference of the memorial to the Committee on the Judiciary, stating at the same time that it was signed by highly respectable citizens of the city and county of Philadelphia.

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[1] Cong. Globe, 28 Cong. 2 Sess. XIV. 37.

TO GOVERNOR SHUNK.[1]

WASHINGTON, 18 December, 1844.

MY DEAR SIR,

I do most heartily rejoice, that those who communicated to me expressions used by our friend Magraw, must have been mistaken in the inferences which they deduced from his language. He was much in the company of my deadly enemy, M'Cahen, who is Porter's most unscrupulous tool, and of Wm. J. Leiper. That he did use some unguarded language, is beyond a doubt; but all this shall be as if it never had been. I venerated his deceased father, and have always been so much attached to him, that it almost unmanned me, when I learned that he had spoken unkindly of myself. Please to say nothing to him of what my former letter contained.

The income tax of England has never been resorted to except in cases of extreme necessity. That tax, at present in existence, imposes 7d. per pound upon the annual rent of land and houses, upon the income from tithes, railways and canals, mines and iron-works; also upon the income of tenants or renters of land, upon public funds and securities, dividends on bank stock, Indian stock, and foreign stock payable in England; upon the profits of trades and professions, upon the income of public officers, salaries, &c. &c. &c. *All incomes under* £150 *sterling per annum are exempt from this tax.* Under the British government, they have adopted the means necessary to secure a just return of all incomes; under ours, this, in many cases, would prove almost impossible, without resorting to an inquisition unknown to our form of government. Indeed, so far as I know, our present taxes on income are eluded to a most shameful extent. The income tax has always been odious in England; and it would prove to be so, if carried to any thing like the same extent, in this country. The more I reflect upon the subject, the more I am convinced that your "inaugural" should not specifically recommend any new mode of taxation. I know that, in common with myself, you entertain a horror of repudiation, either express or implied, and this might be expressed in the strongest terms, together with a willingness on your part to concur with the Legislature in adopting any measures necessary to prevent so disgraceful a catas-

[1] Buchanan Papers, Historical Society of Pennsylvania. Imperfectly printed in Curtis's Buchanan, I. 526.

trophe; leaving to your administration, after it shall get fairly under way, to adopt the necessary measures to redeem the faith of the state.

In regard to your selection for Secretary of State, I entertain the same opinion, more strongly now than ever, which I have held from the beginning. Your Attorney General ought to be a Muhlenberg-man, and such an one as will be satisfactory to that branch of the party. After his appointment, I hope to hear no more of these distinctions; and I trust that then we shall all be united under the broad banner of Democracy, in support of your administration.

I know John M. Read well; and I also know, that he enjoyed and deserved the confidence of Mr. Muhlenberg and his friends in an eminent degree. After his death, Mr. Read's conduct towards you was worthy of all praise. There are few lawyers, if any, in Philadelphia, his superiors; and he is a man of such firmness, energy, and industry, that he will always be found an efficient supporter in the hour of need. He holds a ready and powerful political pen, and is a gentleman of the strictest honour and integrity. I know you would be safe with him.

Of both Mr. Brewster and Mr. Barr, I also entertain a high opinion; and I think the appointment of either would give satisfaction to the friends of Muhlenberg.

I confess I do not like Mr. Kane's political associations; but he is a gentleman and a man of honour.

There is one subject to which I desire to direct your attention. I know, from various quarters, that Porter is making a desperate effort to be elected U. S. Senator. He calculates upon seducing a sufficient number of Democrats from their allegiance to the party, which, when united with the whigs, would constitute a majority. M'Cahen and Leiper have both been here, and, on several occasions, expressed their confident belief in his success. From the conversation of the whigs here and elsewhere, I think he will be mistaken as to the votes of their members; but this I know, that it is of the last importance to you to maintain the caucus system. Should it be broken down at the commencement of your administration, it is easy to predict the consequences which may follow. I would, therefore, most respectfully advise, that you should be at Harrisburg at the commencement of the session, not to take any part in favour of any candidate for the Senate, but to express your opinion strongly and decidedly in favour of an adherence to caucus nominations.

We have no authentic news here from President Polk. All is as yet conjecture. His path will be beset by many difficulties. The first which will present itself, is Mr. Calhoun.[1] To remove him will give great offence to many of the Southern gentlemen, who were mainly influential in procuring the nomination of Mr. Polk:—to retain him, will exasperate Col. Benton and that wing of the party. It is hoped that he may either retire, or consent to accept the mission to England. Then there are the Texas and Tariff questions, which it will be difficult to settle to the satisfaction of the party. Colonel Polk has a cool and discreet head himself, and he will be surrounded by cool and discreet friends.

Philadelphia is now in a state of office-hunting excitement never before known. The office-hunters have taken it into their heads, that Mr. Dallas, because he has been elected Vice President, can procure them all offices, and they are turning his head with their incense. *I venture to predict that they will prove to be greatly mistaken.* The moment they discover this, their pæans will be directed to some other divinity.

You ask my advice in regard to recommendations from you to President Polk. I think you ought to be cautious in giving them, if you desire that they shall produce the effect your recommendations well deserve. I hope, however, to meet you at the inauguration.

I have sat up until a late hour to write you this long letter. I receive at the rate of about 30 letters per day; and between incessant private calls and public business, I have found time to answer very few of them.

Please to remember me most kindly and respectfully to Mrs. Shunk and the young ladies, and believe me to be, sincerely and devotedly,

Your friend,

(signed) JAMES BUCHANAN.

FRANCIS R. SHUNK, ESQ.

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[1] Secretary of State, under Tyler.

REMARKS, DECEMBER 19, 1844,

ON THE ORGANIZATION OF A TERRITORIAL GOVERNMENT IN OREGON.[1]

Mr. Buchanan said he was a member of the Committee on Foreign Relations, and, in his humble judgment, the reference of this measure ought not to be to that committee, but to the Committee on Territories. What was the object of this bill? It was to perfect a system of organization for a new territory of the United States; and if there was any subject peculiarly appropriate to the Committee on Territories, this was emphatically so. He thought his friend from Virginia [Mr. Archer] had anticipated in this matter. A time might arise, and probably would arise, when it might be an important question how far certain provisions of this bill interfered with the pending negotiations; but until a measure is matured in all its details—until a bill is before the Senate, after having undergone the supervision of an appropriate committee—that question could not, in his humble judgment, properly arise. The Committee on Foreign Relations certainly is not the committee to enter into the details of a territorial bill, and the simple point which they may hereafter be called upon to decide is, how far this bill, in its details, may interfere with the existing negotiation; but we must first have the bill, and must first have it organized. Now, in regard to several important subjects entered into in this bill, it was impossible that there could be any doubt in the minds of senators. Ought we not to establish military posts on the route to Oregon, for the purpose of sheltering those emigrants who go there? Certainly, so far as regards this provision, there can be no question. There is no doubt but that we have a right to do so, and it is our duty to present a *prima facie* one under the ægis of our own laws. The British government have done it for years. They have a government there. The British are protected, while the American citizens are left unprotected. It might be, that when the Committee on Territories came to consider this bill, there would be found no difference of opinion at all between the two committees. He thought it one of the first duties of the present Congress of the United States to send the protection of our laws across the Rocky mountains. There was a mere association there, without law. American citizens there have a right to be protected, ac-

[1] Cong. Globe, 28 Cong. 2 Sess. XIV., Appendix, 46.

cording to the construction put upon the treaty by the British government. *They* have a right, and have exercised that right, to protect their own citizens; and ought *we* not to establish some form to protect ours? For one, therefore, he would vote for the reference of this bill to the Committee on Territories; and when he saw the bill as reported, and something pointed out in the state of the negotiation with which it might interfere, he would then, and not till then, be prepared to say whether its provisions conflicted with the interests of the country and a foreign government.

1845.

REMARKS, JANUARY 21, 1845,

ON THE SMITHSON FUND.[1]

Mr. Buchanan observed that he had but very few words to say on this subject. According to the will of the donor, this fund was to be distributed for the "increase and diffusion of knowledge among men." Considering our peculiar position in the District of Columbia, he (Mr. B.) had arrived at the conclusion that the best mode of distributing this fund was by the purchase of a great library. Indeed, he could imagine no other. If (said Mr. B.) you attempt to establish a literary institution here, with the great expense attendant upon living in this District, and from other causes which I need not enumerate, this fund in its benefits would be confined to a very small portion of the people of this country. From the very nature of our government, and the condition of the people of this country, we could never expect to erect in our day a library to compare with the great European libraries, except by the application of this fund to that purpose. It was impossible, everybody knew, for any of our citizens who proposed to write a history, or any other work that required an examination into ancient books and authorities, to do so without going to Europe for that purpose. Now, he believed that an extensive library in which all the means of human knowledge should be collected, and in which they should be equally open to all the citizens of this country, was the very best mode in which to apply the money so liberally bequeathed by Mr. Smithson for the "increase and diffusion of knowledge among men." He was clearly of that opin-

[1] Cong. Globe, 28 Cong. 2 Sess. XIV. 163–164.

ion; but he had no idea of making a speech upon the subject. The question now before the Senate resolved itself into a very simple proposition; and that was, Shall Congress retain and direct the immediate and efficient control of this fund, and of its application, or shall it be administered through the agency of the National Institute? That was the question; and on the decision of the question his own vote might depend. Now, he entertained all proper respect for the members of this Institute, and he believed it had been already instrumental in diffusing knowledge among men; but he thought Congress was bound to keep the application of this fund distinct from that or any other literary incorporated body. What was proposed by his honorable friend from New Hampshire [Mr. Woodbury] in the amendment under consideration? Why, to connect the National Institute with the Smithsonian library—to form a sort of partnership between the two. The National Institute is to hold its meetings in a room in the building to be erected for the use of the Smithsonian library. This was in the printed amendment, and would be the inevitable consequence of intrusting the management of this fund to that Institute. In a great national institution like the Smithsonian library, calculated for the benefit of the whole people of the country, he desired to keep it clear, or detach it and keep it distinct from the National Institute, or any other literary corporation whatever. Congress ought to take upon itself the immediate control of this library. It would never succeed, unless this course should be pursued.

For one, he was not acquainted with the rules of the National Institute, and he did not know in what manner the managers of that institute were elected; but the proposed amendment placed the direction and supervision of the library in the hands of managers not elected by Congress, not responsible to Congress, and over whom the people of this country, by their representatives, could have no control whatever. Congress was undoubtedly capable of administering this fund without the aid of the National Institute; and it was their duty to do so.

Without, therefore, troubling the Senate with any further observations, he should certainly go for separating the operations of this library from those of the National Institute, wishing and hoping that that Institute might have all the success which he believed is so well deserved; and if it should be made a rival in disseminating knowledge among men with the library, well and good. The more knowledge communicated, the better for the

people of this country. He, therefore, should vote against the amendment of the honorable senator from New Hampshire, [Mr. Woodbury,] and, although there were some provisions in the bill to which he might object, he would vote for it, nevertheless, should it remain substantially as it came from the Committee on the Library.

FROM MR. JUSTICE CATRON.[1]

[January 23, 1845.]

Dr. Sir.

I can say to you that the presdt. elect has not indicated to *any one* the appointments he intends to make, large or small, that he is wholly uncommitted—and will be until he arrives in this city: nor will any consideration induce him to deviate from this course. *Cliques* he is especially averse to.

Don't condemn this determination, for my sake, as I am committed to it *most especially*.

Yr. frd.

J. Catron.

Hon. James Buchanan. Thursday evening.

REMARKS, JANUARY 29, 1845,

ON REDUCING THE RATES OF POSTAGE.[2]

Mr. Buchanan said he was very sorry to trouble the Senate with any remarks upon this question. He thought it was perfectly apparent that the Senate was now ready for the question; and he knew there was a general impression upon this side of the House that this bill ought to be disposed of speedily, and got out of the way of other important matters. For his own part, after having attended, in a considerable degree, to all that had been said upon this subject, he was certainly—he might say decidedly—unwilling to alter the bill, as it came from the hands of the committee. We were a wonderful people. We had been laboring, beyond all doubt, under oppressive rates of postage for a number of years past. We propose now to amend these rates, and we go at once into another extreme, and ask Congress to pass a law reducing the postage to three cents for all distances under fifty miles. Now it was well known to members of this body that in a

[1] Buchanan Papers, Historical Society of Pennsylvania.

[2] Cong. Globe, 28 Cong. 2 Sess. XIV. 214.

very large portion of this Union cents were not used at all. There were no CENTS in South Carolina, though there was a great deal of *sense*. It was so in regard to all the southern and southwestern States of the Union, so that this arrangement would be no convenience to the citizens of those States. Their lowest rate of currency was a five-cent piece, under the government of the United States.

Now this subject had been before the country for several years, and, so far as he knew, or was acquainted with public opinion, that opinion was in favor, at least for a commencement, of reducing the postage to five cents under a hundred miles, and ten cents for all distances above that. This amelioration would enable the emigrant who goes from the eastern States to the Far West to communicate with his friends at the place of his nativity for considerably less than what it costs him now. He had no doubt at all, judging from the experience of England, that a reduction of the rates of postage would increase, and vastly increase, the number of letters; but it would not produce its full effect for years to come, and, in the mean time, if we reduce the rates so low as to show a very large deficit in the revenue of the department, the whole system would fall to ruins, for the people would not consent that the post office should be a charge upon the treasury. What was the present state of the case? The committee had matured a bill, under the benefits of the experience and with the advice of the head of the department. That officer is supposed to know, and he had no doubt did know, all the various ramifications of this subject better than any gentleman upon this floor could be supposed to know them; and we have the authority of the head of the department for this fact, (and it is a mere question of detail,) that if you will first appropriate out of the treasury a sum equal to what is paid for railroad transportation, he ventures to say that the department, at five and ten cents postage upon letters, would be able to sustain itself. He (Mr. Buchanan) had that declaration before him, in the letter of the Postmaster General, to the honorable Chamber of Commerce in New York.

Now this bill proposed a very great reduction of postage. That proposition was in accordance with the public sentiment. The Senate now had the responsibility of the head of the department pledging his knowledge that if this bill be passed, and an appropriation of $750,000 be made, it would be sufficient to cover the expenditures of the department.

He (Mr. B.) was not going upon theory. He should be very glad, to be sure, if the reduction could be to three cents, or even to what it is in England; but that was impossible, with any regard to the question whether the Post Office Department could sustain itself. He was for taking the boon which we could now obtain—the boon in favor of which the public mind, so far as he knew, was settled. By reaching to extremes in the attempt to bring about a low rate of postage, should there be a deficiency discovered in the revenue of the department at the end of the year, the whole system of low postage might finally be abolished. In matters of this kind, which were mere matters of detail, he was for proceeding cautiously; and if, in the end, (which, from the experience of England, probably would be the case,) we should find that under five or ten cents we can obtain more revenue than is sufficient to support this department, then, and not till then, would be the time to reduce below that. For one, then, he should vote for the five cents postage for distances not exceeding one hundred miles, and for ten cents upon letters above that; and, in doing that, he felt himself safe. He was not creeping his way in the dark. He was not fancying things. He was not going upon the supposition that a reduction to three cents would insure a corresponding increase in the number of letters, and consequently in the revenue of the department. He was, therefore, very happy, as he very often went against his friend from Maryland, to give him most cordially his vote upon the present occasion.

REMARKS, FEBRUARY 4, 1845,

ON THE ANNEXATION OF TEXAS.[1]

Mr. Buchanan said he did not rise to offer any observations upon this great question, but merely to state that he was in a minority of one upon the committee, and that he should advocate the adoption of the joint resolutions as they came from the House of Representatives.[2] He would have made a counter report upon this subject, but he did not hear this report read until this morning. It was his intention to avail himself of the first opportunity which might be presented to him of expressing his views to the Senate in favor of these resolutions from the House, and against the report. He did not know upon what day to propose the commencement of this discussion. That might be left for future consideration, but it would be very well, nevertheless, to fix a time now, so that the minds of senators might be directed to the subject.

REMARKS, FEBRUARY 5, 1845,

ON THE RATE OF POSTAGE AND THE FRANKING PRIVILEGE.[3]

Mr. Buchanan being entitled to the floor in reply to the senator from Ohio, [Mr. Allen,] addressed the Senate at considerable length. He commenced his remarks by observing that, after the important subject (that of the annexation of Texas) which had just been before the Senate, and at that late period

[1] Cong. Globe, 28 Cong. 2 Sess. XIV. 240.

[2] In S. Doc. 79, 28 Cong. 2 Sess., there is the report, by Mr. Archer, from the Committee on Foreign Relations, February 4, 1845, on sundry joint resolutions and a bill on the subject of the annexation of Texas and also on various instructions of State legislatures and memorials and petitions on the same subject. The propositions before the Committee involved, said the report, the assertion of two distinct principles, (1) that a power to annex foreign territory and population belonged to the Government, and (2) that this power was deposited with Congress, the legislative branch of the Government. The report, from which Mr. Buchanan dissented, opposed the claim of the power of Congress to admit Texas as a State, and submitted resolutions (1) that the joint resolution from the House of Representatives for the annexation of Texas be rejected, and (2) that the several bills and joint resolutions originating in the Senate, the resolutions of sundry State legislatures, and the petitions and memorials of citizens of the United States for and against the annexation of Texas lie upon the table.

[3] Cong. Globe, 28 Cong. 2 Sess. XIV. 248.

of the day, he should endeavor to be as brief as possible in the few remarks he intended to make.

The Senate, ever since this bill had come up for discussion, had been converted into a sort of Sleepy Hollow, so that it had been almost impossible for anybody to command its attention. And, in view of this apathy, he would undertake to predict to the honorable chairman of the Post Office Committee, that, notwithstanding all his labor and pains to mature this measure, and to pass this bill into a law, it was destined eventually to fail this session. The time had not yet come for it. The history of the world had manifested how unwilling all men are to yield up any privilege which they personally possess above their fellow men. Such had been the history of all mankind, and such it would continue to be. As far as it was allowable to compare small things to great, he would say that it was very probable that the sanguinary scenes of the French revolution might have been checked, if the assembly of notables had consented to allow themselves to be taxed like other citizens; but it was the exemption from taxation which constituted the privilege of their order, and their unwillingness to yield up that privilege hastened on the French revolution to its consummation.

In the present case, it was the unwillingness of members of Congress to part with their franking privilege which would, at the present session, defeat the pending bill; but that very tenacity of clinging to this privilege would hasten the great and important measure of cheap postage to its adoption at the next session of Congress. The community would understand the matter by that time, and, in a demand that would brook no further delay, require its accomplishment.

Mr. B. maintained, in forcible terms, that the issue was reduced to the simple proposition of cheap postage and no franking privilege, or the franking privilege and no cheap postage. It was, in other words, whether members of Congress, and a few thousands of their constituents, should continue to enjoy the benefits of the franking privilege, whilst the whole community was left to suffer under the grievance of an enormously high rate of postage, or the privilege should be surrendered for the common good, that the whole community might enjoy cheap postage. That was the whole question. The Postmaster General had told Congress that these things were incompatible, and that by an adequate restriction of this privilege, and upon that condition only, could

the public get the benefit of cheap postage. Mr. B. sustained his views on these points at considerable length. He concluded by a proposition to divide the question: that is, to take the question first on members sending their own letters postage free. He wanted to have that point settled at once, for upon it depended the fate of the bill. He moved, therefore, to amend the amendment by striking out the words "letters and."

SPEECH, FEBRUARY 14, 1845,

ON THE ANNEXATION OF TEXAS.[1]

The Senate resumed the consideration of the joint resolution for the annexation of Texas, when

Mr. Buchanan, of Pennsylvania, rose and addressed the senate nearly as follows:

I am deeply impressed with a conviction of the vast importance of the present question. Shall Congress, to use the language of the Constitution, admit the new state of Texas into the Union, or shall Texas maintain the position of an independent power? Shall we exhibit in our history those mutual jealousies and wars which have ever been the misfortune of neighboring and rival nations? Shall the lone star of Texas be blended with our glorious constellation, and shed its benign influence over the length and breadth of our land, or, comet-like, shall it threaten "diseases, pestilence, and war" to our Union?

It does not occur once in a century, it may not again occur in our history for many centuries, that a legislative body is called upon to decide a question which must exercise such an important influence for ages to come, both on the fate of this North American continent and of the whole world. Wars may be waged by ambition, and countries may be deluged with blood, but bounteous nature soon repairs the devastation. The field of Waterloo is now covered with cheerful green, and the happy cultivator of the soil now drives his plough ahead over the plain where but a few years ago the hostile armies of all Europe fought the most terrible battle recorded in history. The devastation has passed away, and no trace of it remains. But should Texas

[1] Niles' Register, March 1, 1845, vol. 67, pp. 405–409. This speech, though referred to in the Congressional Globe, was never published in it.

become an independent rival power, should a foreign influence be exercised over her councils, as it most certainly will be, to disseminate dissensions between her and ourselves, the fatal effects will live as long as the two nations shall endure. Texas will remain either to bless by re-union and to promote harmony among the Anglo-American race, or, like the Philistines to the Israelites of old, be a perpetual thorn in the side of this republic.

For my own part, I rejoice that my humble name has in a small degree been connected with this question. I shall endeavor to soar above all personal or party jealousies, above all sectional feelings, and treat it as a purely national question. It is a matter of comparatively small importance to the country by whom the great boon is acquired, so that it shall be secured.

Texas first offered herself to us in 1837, and was then rejected by the executive government. In that decision, under the circumstances then existing, I heartily concurred. In 1844 she again offered herself; but the treaty was rejected by the Senate. It has now been proposed to admit her into the Union by act of Congress, and the House of Representatives have passed the bill. The entire responsibility of her rejection again devolves upon the Senate. If we a third time turn a deaf ear to her application, the opportunity may be gone forever.

Mr. B. went on to say that if he had been consulted in the preparation of these resolutions for the admission of Texas, there were some provisions now included in them to which he should have objected. He concurred with the honorable senator from Kentucky [Mr. Morehead] in the opinion that the United States government ought to have control over the public lands of Texas; that we should also have control over the Indian relations within her territory; and that she should cede her public domain to the United States. Nor did he like the provision that Texas was to be consulted in the creation of new states from her territory. But let the resolutions pass as they stood, and we could do justice to Texas and ourselves hereafter. He considered it unjust to deprive her of her revenue from custom houses, and of all her public property, without making any provision which would enable her to pay her debts. Nor did he approve the granting to her all her public domain; this ought to be ceded to the United States for a fair equivalent. But, as he had said before, let us but obtain the precious boon of her admission, and all minor difficulties could readily be adjusted at the proper time.

Mr. B. said he was greatly pleased with the first in this

series of resolutions, because it provided for *immediate* admission, so far as that was practicable. For, was it not a matter of vast importance that a question which had agitated the Union for years past, which had disturbed our social peace, which had fomented feelings of strife and personal enmity, raising up man against man, from one end of our country to the other, and which, he undertook to say, had been decided by the people at the late presidential election, should, as soon as practicable, be put at rest?

They had heard, and should hear again, as had happened when Louisiana was admitted, threats of the dissolution of the Union; doubtless the emissaries of discord would be busy until the agitating question should have been decided; but now, as then, these lowering clouds would pass from the political heavens; we should all again worship together at the sacred altar of union, and those who had been loudest in their opposition would find that their own portions of the country were the largest sharers in the blessings and benefits of this great national measure. What, he asked, would New England have been without the acquisition of Louisiana? Bold, brave, industrious, enterprising as she was, this measure, to which she had at the time manifested so decided a hostility, had presented a field for the extension of her commerce and navigation which she never could otherwise have enjoyed, and had promoted her prosperity in a greater degree than that of any other portion of the United States. Mr. B. liked the first resolution for that reason.

He was pleased with it, again, because it settled the question of slavery. These resolutions went to re-establish the Missouri compromise, by fixing a line within which slavery was to be in future confined. That controversy had nearly shaken this Union to its centre in an earlier and better period of our history; but this compromise, should it be now re-established, would prevent the recurrence of similar dangers hereafter. Should this question be now left open for one or two years, the country could be involved in nothing but one perpetual struggle. We should witness a feverish excitement in the public mind; parties would divide on the dangerous and exciting question of abolition; and the irritation might reach such an extreme as to endanger the existence of the Union itself. But close it now, and it would be closed forever.

Mr. B. said he anticipated no time when the country would ever desire to stretch its limits beyond the Rio del Norte; and,

such being the case, ought any friend of the Union to desire to see this question left open any longer? Was it desirable again to have the Missouri question brought home to the people to goad them to fury? That question between the two great interests in our country had been well discussed and well decided; and from that moment Mr. B. had set down his foot on the solid ground then established, and there he would let the question stand forever. Who could complain of the terms of that compromise?

It was then settled that north of 36° 30′ slavery should be forever prohibited. The same line was fixed upon in the resolutions recently received from the House of Representatives, now before us. The bill from the House for the establishment of a territorial government in Oregon excluded slavery altogether from that vast country. How vain were the fears entertained in some quarters of the country that the slaveholding states would ever be able to control the Union! While, on the other hand, the fears entertained in the south and the southwest as to the ultimate success of the abolitionists were not less unfounded and vain. South of the compromise line of 36° 30′ the states within the limits of Texas applying to come into the Union were left to decide for themselves whether they would permit slavery within their limits or not. And under this free permission, he believed, with Mr. Clay, (in his letter on the subject of annexation,) that if Texas should be divided into five states, two only of them would be slaveholding and three free states. The descendants of torrid Africa delighted in the meridian rays of a burning sun; they basked and rejoiced in a degree of heat which enervated and would destroy the white man. The lowlands of Texas, therefore, where they raised cotton, tobacco, and rice, and indigo, was the natural region for the slave. But, north of St. Antonio, where the soil and climate were adapted to the culture of wheat, rye, corn, and cattle, the climate was exactly adapted to the white man of the north; there he could labor for himself without risk or injury. It was, therefore, to be expected that three out of the five new Texan states would be free states—certainly they would be so, if they but willed it. Mr. B. was willing to leave that question to themselves, as they applied for admission into the Union. He had no apprehensions of the result. With that feature in the bill, as it came from the House, he was perfectly content; and, whatever bill might ultimately pass, he trusted this would be made a condition in it. He did not,

nevertheless, set himself up to be a dictator to the Senate as to what sort of a bill should or should not pass; provided the great and leading measure of re-union was secured, he should make no difficulty about mere subordinate questions.

He went on to say that he liked this bill for another reason. One of the greatest and most weighty objections to the Texas treaty, as submitted to the Senate at its last session, was, that it had been formed between the government of Texas alone and the government of the United States; and the friends of the measure had been driven to maintain their ground that the people of Texas were unanimously in favor of the measure of annexation; and, therefore, though their constitution contained no provision warranting their government to make such an arrangement, yet a unanimous people could dispense with constitutions and laws. But this bill was exposed to no such objections; it adopted the true American system, leaving the question to the people of Texas. They were required to assemble in convention and adopt for themselves a constitution republican in its character—and if it did not conflict with the Constitution of the United States, then they were to knock at our door for admission, as every state had done which had hitherto been admitted into our confederacy. This course was in strict analogy with that practised toward every other state.

When one of our own territories became ripe for admission, Congress passed a law allowing them to elect their delegates and to form a constitution for their own government, imposing in the law such conditions as Congress might deem requisite. When the territorial convention assembled and assented to those conditions, the law became a compact between the United States and the people desiring to form a new state; and when she afterwards came and asked to be received, the faith of the nation having been previously pledged, nothing more remained than to pass another act in four lines declaring her to be admitted. This was the mode in which Mississippi, Louisiana, Illinois, and other new states had been received into the Union. The preamble of the bill recited the facts that a state constitution had been formed, that the people had complied with the terms of admission proposed by the United States, and, the national faith being pledged by the former law, the new state was introduced accordingly. This was what he desired should now be done in the case of Texas; this was what the present bill proposed; and this was "immediate annexation, as far as practicable;" it treated

the people of Texas as we treated the people of our own territories. If any plan could be devised to accomplish the object sooner, Mr. B. had not been able to conceive of it. The fact was, that Texas would virtually be admitted as soon as this bill should become a law, though the act could not be formally consummated until afterward. The public faith would be pledged to her, and her subsequent admission would be an irresistible conclusion.

Again, Mr. B. said he was pleased with these resolutions, because they raised the broad general question of the power of Congress to admit new states. And here he must be permitted to say that, notwithstanding the very able and ingenious argument of his friend from Kentucky, (Mr. Morehead,) and in spite of his undoubted eloquence on this occasion, Mr. B. had not been able to bring his mind even to a doubt,—no, not to the entertainment of one single doubt, that Congress might by a joint resolution admit Texas into the Union. On this point he intended to be as brief as possible.

What, he asked, was the plain language of the Constitution? —(he should not reply to the argument that the clause was in the latter part of the instrument, and not in the beginning—it was in the constitution:)

"New states may be admitted by the congress into this Union; but no new states shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the congress."

Here was a universal, unlimited rule: "New states may be admitted," and "admitted *by Congress*, into this Union." The exception and the only exception to the power was that if the new state was formed out of a state or parts of states already existing, it could not be admitted without the consent of the legislatures of the states interested. Was ever language clearer or more comprehensive? "New states may be admitted." What was a state? Vattel says that—

"Nations or states are bodies politic, societies of men united together for the purpose of promoting their mutual safety and advantage by the joint efforts of their combined strength. Such a society has her affairs and her interests; she deliberates and takes resolutions in common, thus becoming a moral person, who possesses an understanding and a will peculiar to herself, and is susceptible of obligations and rights."

Crabbe's Synonymes said that a state was the most general

term which could be used, equally embracing the vast empire of Russia and the smallest German principality.

The Constitution said that "new states" might be admitted. What, then, was the Herculean task imposed on the opponents of these resolutions? They could not stir one step unless they interposed the words "arising within the territory of the United States;" and to interpolate such a clause would, according to his notions, be indeed "construction construed." "New states may be admitted by Congress into the Union." Now, all knew perfectly well that every word, nay, he might almost add every syllable of the Constitution, had been subjected to the severest scrutiny before the convention which prepared it. And what had been the character of the men who composed that most illustrious assembly, forming as they did the organic law of a great people, laying the deep foundations of a government which was to endure for ages? They framed it with all that care and anxiety and deliberation which it was their duty to exercise in a matter so grave and momentous. They were men of the highest reach of intellect, and of more devoted patriotism than had belonged to men who had since or that might again bless the republic.

And what was the rule laid down for the construing of such public instruments? Vattel says:

> "The first general maxim of interpretation is, that *it is not allowable to interpret what has no need of interpretation.* When a deed is worded in clear and precise terms—when its meaning is evident, and leads to no absurd conclusion—there can be no reason for refusing to admit the meaning which such deed naturally presents. To go elsewhere in search of conjectures, in order to restrict or extend it, is but an attempt to elude it. If this dangerous method be once admitted, there will be no deed which it will not render useless. However luminous each clause may be—however clear and precise the terms in which the deed is couched—all this will be of no avail, if it be allowed to go in quest of extraneous arguments, to prove that it is not to be understood in the sense which it naturally presents."

Was there ever a quotation more strictly appropriate? The worthy senator from Kentucky had gone all the way to Patagonia for the sake of construing away the plain language of the Constitution. He had invoked the aid of the small-footed beauties of China; nay, he had even gone to the land of the anthropophagi, "men whose heads do grow beneath their shoulders." Yes; he had brought cannibals into the Senate to devour honorable senators, and all to avoid the plain reading of a plain clause in the Constitution. When men of this capacity and ingenuity

resorted to such expedients, it showed very plainly how sorely they were pressed by the force of truth. The honorable senator in this part of his argument resembled the strong man in the midst of the Serbonian bog—the more he struggled, he plunged but the deeper in the mire. What had the Supreme Court of the United States said on this subject? Chief Justice Taney says:

"In expounding the constitution of the United States every word must have its due force and appropriate meaning, for it is evident from the whole instrument that no word was unnecessarily used or needlessly added. The many discussions which have taken place on the construction of the constitution have proved the correctness of this proposition, and shown the high talent, the caution, and the foresight of the illustrious men who framed it. Every word appears to have been weighed with the utmost deliberation, and its force and effect to have been fully understood."

New states may be received; yet his ingenious friends interpolated the additional words, "arising within the existing territory of the United States." But what would be thought of this argument when it was found that the very convention which framed the clause as we now found it in the Constitution had before them the express question whether it should be thus limited or not, and had had these very words, or words of a similar import, under consideration for weeks together, and had deliberately rejected them? The record of the convention established that fact beyond dispute or question. Mr. B. had made some references to the journal of their proceedings, and had noted down a few extracts which he would now read.

On the 29th May, 1787, Mr. Edmund Randolph offered his famous resolutions to the convention. The tenth of these resolutions was in the following words:

"*Resolved*, That provision ought to be made for the admission of States, *lawfully arising within the limits of the United States*, whether from a voluntary junction of government and territory or otherwise, with the consent of a number of voices in the national legislature less than the whole."

It will be perceived that the point was thus distinctly presented to the convention whether the power of Congress to admit new states should be restricted to those "arising within the limits of the United States." What was their decision?

On the 19th of June, 1787, the committee of the whole reported this resolution to the convention in the words of Mr. Randolph, containing the restriction.

The committee on detail afterwards reported the resolution as it originally stood.

On the 6th August, 1787, the committee which reported the draught of a constitution retained the restriction limiting the power of Congress to new states "arising within the limits of the United States."

The following is a copy of their report:

"New states, lawfully constituted or established within the limits of the United States, may be admitted by the legislature into this government; but to such admission the consent of two thirds of the members present in each house shall be necessary. If a new state shall arise within the limits of any of the present states, the consent of the legislature of such states shall be also necessary to its admission. If the admission be consented to, the new states shall be admitted on the same terms with the original states. But the legislature may make condition with the new states concerning the public debt which shall be then subsisting."

On the 29th August, 1787, it was moved and seconded to agree to the following proposition as a substitute for the article to which I have just referred:

"New states may be admitted by the legislature into the Union; but no new states shall be erected within the limits of any of the present states, without the consent of the legislature of such state, as well as of the general legislature."

The restriction was thus abandoned, and the power left unlimited to admit new states, whether within the limits of the United States or composed of foreign territory; and the article in the Constitution was finally adopted as it now appears in the instrument.

Thus it appeared that from the 29th May, until the 29th August, 1787, the convention had adhered to the proposition of putting a limitation on the admission clause, but had finally rejected this liberal proposition and stricken it out of their draught. And they had acted wisely, for no human foresight could then, or now, tell what was to be the destiny of the new-born republic, whose constitution they were entrusted to prepare; and to have limited it in the manner supposed by gentlemen on the other side, would have accorded neither with the wisdom nor the profound statesmanship of those eminent men.

But to go further. What was the contemporaneous construction of the instrument? Mr. B. was sorry his friend from Kentucky had not got so far in the quotations from the Federalist as to the 43d number, where this subject was expressly treated on. If the gentleman had but proceeded as far as that, he would have found the astonishing fact that the old confederation had no power to admit any other than a foreign state.

Their power of admission was confined within this limit. The only clause in the articles of confederation referring to the admission of new states was this:

"Canada, acceding to the confederation, and joining in the measures of the United States, shall be admitted into and entitled to all the advantages of the Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine states."

Mr. Madison said that by "colony" in this article was meant a British colony; and that it was for this very reason that the clause was left in as broad and unrestricted terms as we now found it. How would that statesman be astonished could he hear his own language now invoked to prevent the United States government from ever admitting Canada as a state into the Union!

"To admit new states into the Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the congress."

"In the articles of confederation, no proviso is found on this important subject. Canada was to be admitted of right, on her joining in the measures of the United States; and the other *colonies*, by which were evidently meant the other British colonies, at the discretion of nine states. The eventual establishment of *new states* seems to have been overlooked by the compilers of that instrument. We have seen the inconvenience of this omission, and the assumption of power into which congress have been led by it. With great propriety, therefore, has the new system supplied the defect."

Now, Mr. B. asked, could language be plainer? Heretofore the confederation could admit none but foreign states, and these British colonies; but, expressly to obviate this very difficulty, the framers of the Constitution struck out all limitation of every kind, and left the provision in such unrestricted terms as enabled Congress to admit any state whatever that had adopted a republican form of government. Their eyes were fixed on Canada; and this was Mr. Madison's allusion when he spoke of states that might arise "in our neighborhood." They had desired, above all things, that Canada might unite with them in the war, and, in order that she might now come in, the provisions of the Constitution were enlarged. Who would contend that instead of being enlarged, the powers formerly enjoyed by the confederation were abridged and narrowed down in the new Constitution, so restricted that Canada never could be received to the end of time as a state of the Union?

Nearly contemporaneous with these expositions of the Constitution lived the venerable Nathaniel Macon, a celebrated patriot of the strict-construction school—a statesman in whom was no guile—a man who, for practical wisdom and sound good sense, never had his superior among us. He was the link that connected the past age with the present; and sure Mr. B. was that there was no gentleman here who would not accord to him all that he had said, and more.

The first time the interpretation of this clause had come up before Congress was on the admission of Louisiana into the Union as a state. Mr. Macon made a speech on that subject in the House of Representatives on the 4th of January, 1811, and which was found reported in the National Intelligencer of the 11th of that month. And what was his language?

"If the article of the constitution, however, did not mean that congress might make states out of new territories, what did it mean? There was no occasion for it in relation to the old territories; for the ordinances of the old congress had secured to them the right; and those ordinances were as binding as the treaties which congress had entered into. The change of the form of government did not affect national obligations. The right to become states was one which congress could not take from the old territories. The right of creating states out of acquired territories was one which he had always contended for; and it had been stated by at least one of those who formed the constitution that this article had reference to Canada: 'New states may be admitted by the congress into the Union.' At the time this provision was made Florida and Louisiana were not thought of. Canada was the territory kept in view. Much, sir, said Mr. Macon, as the United States wanted the southern country, and great as is the convenience of possessing it, I never would have consented to have taken it to have kept them in territorial government forever. I do not want provinces."

The cases of Louisiana and Florida put this question at rest, that the treaty-making power has the right to acquire foreign territory. The legislative, executive, and judicial departments of the government had all concurred in the opinion, and it would be idle for Mr. B. to attempt to deny it. He had no inclination to deny it. That foreign territory might be annexed by the treaty-making power was certain from the very nature of things; because, if we dismembered a foreign country, the portion dismembered could not then act for herself in coming into our Union. But how was it in regard to an independent state? How would it have been with Canada if she had declared her independence, adopted a republican constitution, and came knocking at our doors for admission? She would offer herself, and, if she had complied with the conditions of reception, she

would have been received. Thus it was in the present case. The two things were entirely distinct from each other, viz.: the acquisition of a part of the territory of a foreign government by treaty, and the application of an independent government to be admitted into the Union.

The honorable senator's mistake arose from his confounding two things entirely different. And, after all, the treaty-making power existed only by implication. There was no express grant of power to acquire foreign territory; this power arose only from the general scope of the Constitution; and it had this limit, that it should not transcend or violate the Constitution. In Mr. B.'s judgment, the very strongest argument in favor of the doctrine that foreign territory might be acquired by the treaty-making power, was found in this very clause, according to which Congress might admit new states. It was a subordinate power; for none, he presumed, believed that we had power to acquire foreign territory only to convert it into colonies or provinces. In one case the power was clear and palpable—it was found in the very language of the Constitution; in the other, the power arose by construction—it was an implied power merely. The power to admit new states was an express grant—the power to acquire foreign territory arose by implication; yet the argument of the gentleman from Kentucky (Mr. Morehead) went to make the subordinate and implied power override the expressly granted power.

Mr. Jefferson in 1803 had his doubts and his difficulties; but did he say one word about resorting to the treaty power? No; he referred at once to the fountain head; he did not go to the streams. He doubted as to the power of congress to admit a *foreign* state.

(Mr. Morehead. Did not he deny the power?)

Yes, he denied it; but, after the letter of Mr. Nicholas (who had been in the country all the while, whereas Mr. Jefferson himself had been absent in France) informing him of his opinion on the question, he changed his mind, and said he should acquiesce in the acquisition on the suggestion of his friends. Mr. Jefferson yielded to the arguments of his friends. During the interval between the formation of the treaty and its submission to the Senate, he certainly did entertain strong doubts; but it was manifest those doubts must have been subsequently removed, for he approved and signed the treaty and the act for the terri-

torial government of Louisiana with his own hand. Since then the power had been exercised over and over again.

But what had been the argument of the senator from Kentucky? Had he done anything more than cite the letter of Mr. Jefferson? He laid his entire foundation in that letter; he raised his whole argument on it. Yet from the acts of Mr. Jefferson, (and actions spoke louder than words,) it was plain that he had become convinced that he had been in error. Surely all who knew Mr. Jefferson would admit that if he believed an act would be in direct violation of his oath to support the Constitution, he was the last man living to do it. After this, we had heard no more of his proposal to amend the Constitution; the question passed away, and the doctrine was now established that we might (at least by treaty) admit new states formed out of foreign territory.

Mr. Morehead here interposed; and Mr. B. having yielded the floor for an explanation, he inquired whether the honorable Senator from Pennsylvania intended to argue that Mr. Jefferson had at any time admitted to the full extent Mr. Nicholas's argument that Congress could admit a foreign state? The acquiescence of which Mr. Jefferson spoke, was in the acquisition, not in the right to acquire.

Mr. Buchanan replied that the senator's question had been answered before it was put. (A laugh.) He had said that Mr. Jefferson had acted in affirmation of this power. And, as Mr. Van Buren had before him argued, Mr. Jefferson must have changed his opinions, or he never would have acted as he did in the admission of Louisiana.

Mr. B. here went on to say that it was a very singular mode of getting rid of a plain clause in the Constitution, by arguing from the inconveniences which resulted from it. The senator's argument in this way applied as well to admission by the treaty-power as to admission by act of Congress. And the consequences he threatened were about as much to be apprehended as that the sky should fall—when it did, we should catch larks. (A laugh.)

A wise man would leave as little to the discretion of his agents as possible—but he must leave them *some*. Congress had from the Constitution the war-making power; and they might, if such was their pleasure, declare war to-morrow morning against the whole world. Was that an argument against the power? If they ever should be insane enough, they might in like manner abuse any and every other power as well as this

of admitting new states. "New states may be admitted by the Congress into the Union." Was it an argument against this power that Congress might admit China, with her august emperor, the brother of the sun and moon? Congress might admit France, or Austria, or England herself, when those countries should adopt a republican form of government and ask for admission, but not before. Nor was Congress bound to admit them, even then.

The question now was, not whether we should admit the Chinese, but a people of kindred blood to our own—our brothers and our sisters—a people capable of liberty and fit for liberty; a people trained from infancy in the principles of our government; and that when the country they inhabited was necessary to complete the security of our own territory, and to secure to us the navigation of the Mississippi. To argue against such a proposition because by the same power Congress might admit China and all the world, amounted, in Mr. B.'s judgment, to just nothing.

Mr. B. said there was a portion of the general argument on the admission of Texas which he should not discuss. It had been well met, and he had expressed his views of it on a former occasion. It was the position that we could not admit Texas without the consent of Mexico. The day had gone by for that argument. And that we could not do it without a breach of the national faith and without war. The day for such an argument had forever passed away. He should not now open it anew. Suffice it to say, that Texas never had owed allegiance to the present government of Mexico for a single hour; and if she once did, she had achieved her independence in the bloody fields of San Jacinto. And what she then acquired by the sword she was able to maintain against Mexico by the sword. The Anglo-Saxon blood could never be subdued by any thing that claimed Mexican origin. Texas had maintained her independence for nine years. Could gentlemen thus contend against the very principles of our own revolution? How could they say that the young but glorious people, who had thrown off the yoke and bravely vindicated their freedom, were only *quasi independent* until the consent of that very power who had unjustly attempted to hold them in bondage should be obtained? This argument, however, had been but little used, and did not seem to be much relied on.

And here Mr. B. said he might stop; but, as he was desirous

of fully doing his duty to this great question, he would advance a little further.

He contended that Texas ought to be admitted into the Union, because it would be a bond of perpetual peace between us and England, and France, and all the manufacturing nations of the world. This might, at its first annunciation, sound strangely, but it could be demonstrated. What was that which had raised the power of Great Britain to a greater height than any other single cause? Undeniably it was the cotton manufacture; it was this which, above all else, had contributed to place her in the elevated position she now held before all the world; it was necessary, not to her prosperity merely, but almost to her national existence itself. Without it she would sink to the rank of a second or a third power. France, to some extent, was in similar circumstances. England was wise, and understood her own position. She was exploring sea and land to find some genial soil and some propitious heaven, under which cotton might be made to flourish for the supply of her manufacturing population. Brazil, Egypt, and the East Indies had all been tried in turn, but all her efforts in those quarters had proved in a great measure vain. Either the climate or the soil had turned out to be unfavorable, and the experiment had failed. Meanwhile Texas had arisen as out of the ocean, and presented the finest cotton region the world ever saw. Mr. B. did not blame England for her endeavors to acquire an influence in such a country. She would be false to herself if she did not attempt to depress a rival by seeking to establish an independent power at its very door. Give us Texas, and we should then possess all the valuable cotton regions of the world; and this would have more effect in preserving peace with England than an army of a hundred thousand men prepared for battle, and a fleet equal to her own. If she was dependent on us for nothing else, she then must be for this great staple, so indispensable to her very being as a nation.

Texas, Mr. B. admitted, never would be a colony of England; that was most certain; but if she should not be admitted into our Union, and should remain an independent state, she must of necessity form a close alliance with England; it could not be otherwise. The manufactures of England had been in a great degree excluded from the continent; the American System began extensively to prevail; even the Zoll-Verein had recently increased their duties for the protection of German manufactures.

Hence it was necessary to the very existence of Great Britain that she should colonize. She must have customers for her manufactures, which had now acquired such a stupendous magnitude. Texas must, for many, many years to come, be a planting country, a cotton-growing country. Manufactures could not flourish there for a long time. Her natural policy, therefore, would be to form a close alliance with England; to let England receive her cotton free of duty, and to take in return British manufactures at a low, or rather a nominal duty. Thus Texas would answer her purpose in a double view—first, by furnishing her with the raw materials, which she must have and could not get elsewhere except from us; and, secondly, by affording her a market for her goods.

For these reasons, Mr. B. said, let us have Texas as a part of our own confederacy. Then we should have entire command of the great staple of the world. We were ourselves turning it to every practicable use. We were making sails of it; we were making it into bagging and into blankets, and using it in a thousand ways to promote human comfort—all at the cheapest rate, to alleviate the wants and mitigate the suffering of mankind. While the golden opportunity was presented to us, let us embrace it without further hesitation or delay.

It was indeed truly wonderful how the attachment of the people of Texas continued, notwithstanding our neglect, and apparently in the very face of their own interest. Still they continued true and steady to their national instincts. This showed how deeply the feeling of liberty, the attachment to a free government, was planted in the breasts of those who had once enjoyed it, and how vain and idle were all the arts employed to shake it.

But once more. Mr. B. would admit Texas on account of the glorious system of free trade it would open to America. It had been stated on high authority, (that of the honorable senator from Maine, Mr. Evans,) that the amount of our home trade was fifteen times as great as that of the foreign.

(Mr. Evans made a word of explanation, not heard by the reporter.)

Well, it would suit his argument so much the better. He was satisfied, however, with fifteen; he took it for gospel, as it came from an apostle. (A laugh.) What a glorious system of free trade would our confederacy present to the world! There were those now alive who would live to see one hundred millions

of freemen, speaking the English language, scattered over this happy land, from the Atlantic to the Pacific, and from the St. John's to the Rio del Norte. How would this magnificent system of internal free trade diffuse among them all the means of social happiness!—and it must operate to secure the blessings of freedom, law, religion, social refinement, and all that made human life desirable, over the vast masses of mankind. The contemplation of such a prospect, even in the distance, was dear to every true American. Mr. B. said he entertained no such terrors as had been expressed by his friend from Kentucky in the very eloquent peroration of his speech of yesterday. His friend had tried to bind the Union together in bonds of adamant, but experienced great jealousy, as it would seem, in extending its benefits to others. Henry IV. had conceived the great and noble design of dividing Europe into independent governments, with the purpose of enforcing among them the principles of free trade and preventing wars; but he was cut off in the midst of his noble efforts to accomplish by war a plan so magnificent. But our extension of free trade and its benefits would all be peaceful. Texas was ready to rush into our arms with enthusiastic joy. And when we had received her, the elements of our national prosperity would be complete.

But the great advantage of this new state of things would flow above all to the navigating states of the Union. The rich products of Texas would be wafted over the world by New England navigators. The coasting trade would be increased beyond conception. And how would it be with manufactures? On this subject the great question was, whether the people of Texas were to be supplied with manufactured goods from England or from the United States. If she remained independent she would inevitably draw her supplies from England; if she should be admitted, she would derive them from the United States. This was a great national question. Mr. B.'s own city, Pittsburg, the Birmingham of America, would have her markets extended and her manufactures increased by the admission. All the moneyed interests of the country combined to demand it; besides those incomparably higher, the interests of the national peace and the national glory.

In opposition to the doctrine held by the senator from Kentucky, (Mr. Morehead), Mr. B. contended that the admission of Texas would bind this Union together by bonds still stronger than those which had thus far united us. The time was

forever past when it was supposed that the extension of the Union would diminish its strength. Arguments drawn from Rome had no application. Rome subjected the nations by military power; she conquered them by her invincible arms, and made nation after nation pass under the yoke; her dominion, especially to the remoter provinces, was the arbitrary dictation of a tyrant. Her power was obtained and upheld by her armies; but in process of time she was corrupted by vice; her soldiery became effeminate; military virtue declined and disappeared, and then the Goths and the Vandals poured in countless hordes from the Northern hive, and destroyed and laid waste her provinces and took captive the mistress of the world.

But how was it here? We subjected nobody. The world had become attached to our free system of government by its blessings alone. Texas, so far from being forced to submit to our arms, esteemed it a great and invaluable privilege to be permitted to join our confederacy. Such was the feeling of every new state that had been received into it. Who had ever heard the first word from any of the new states about dissolving the Union? No man. They felt their dependence on the central power: and they had always showed themselves truer to the Union than any of its members. Never had Louisiana, or Illinois, or Michigan, or Arkansas, lifted up parricidal hands against the government that received them. States at the extremities were the first to realize their independence. And on this very principle Texas, when admitted, would probably be the most loyal of any state among us. The external pressure was of itself sufficient to secure the more central states firm to their allegiance. They had had a whiskey insurrection in Pennsylvania, there had been a Hartford Convention in New England, and we had seen nullification in South Carolina; but in the new states nothing had ever occurred to disturb the national tranquillity. In extending the bounds of this Union, however, Mr. B. was not for going beyond the Rio del Norte. Beyond that great natural boundary he would never consent to go. Mr. Madison had said that the natural limits of a democracy were set by the possibility of the people's gathering together in one assembly; and those of a representative republic were in like manner circumscribed by the possibility of the representatives assembling regularly for the transaction of the public business.

Apply this test to our circumstances. Time and space had both been in a manner annihilated by the modern application

of the power of steam, and now regions once deemed remote were brought almost into juxtaposition. There was therefore no difficulty on that score. He considered the Rio del Norte, however, as our natural southern boundary; and he held that it ought ever to be so preserved. The stream itself and the country through which it flowed adapted it admirably for such a purpose. It flowed nearly two thousand miles without a tributary branch, and it was bordered by vast and sterile plains. Nature herself seemed to point it out as the limit of our republic. Unless we got possession of this country of Texas, the great valley of the Mississippi must be divided. The Arkansas and Red rivers would else be in a foreign land. His belief was that, within reasonable limits, the extension of our confederacy did but augment its strength. What utter insanity would it not be for a state situated like Massachusetts to think of withdrawing from such a union of states! With all her vast home trade, all her immense navigation, and a manufacturing industry sufficient to supply the markets of half the globe, would she voluntarily consent to isolate herself from the communion of the very government she had so largely contributed to form, and there remain in lonely isolation forever? He alluded to her as an illustration, and only in the most respectful manner. She differed in many views from him; he was sorry for it; but he cherished towards her none but feelings of respect.

Then let gentlemen look at the beautiful dependence, the strictly mutual dependence, of the states upon each other. The states of the west and southwest never could become navigating states—they never could be their own carrier; therefore, they were dependent on the north for the transport of their abundant natural products to a market. The southern and southwestern states never could become a naval power, because they had not the harbors, nor the material, nor the seamen. To them it was all-important that they should be connected with a power capable of defending the Gulf and the entrance of the Mississippi. This mutual dependence could be traced in every direction, and it was daily and hourly becoming greater and greater. What madness in any one member to try to dissolve such a family of states!

But there was no danger of any such attempt. One sister of the twenty-six might occasionally get a little out of humor, and attempt to cut capers and raise a storm about something that did not quite suit her, and her people might for a while be convulsed and talk in threatening tones, but in a circle of sur-

rounding states, all linked by a common feeling and a common interest, how soon could she be put down. The remaining twenty-five looked on with interest, but without sharing her excitement. She would continue to fume and fret for a while, but soon her rage began to subside; she was at length quite mollified, and in her turn was ready to smile at the threats of some other of the family. There was no danger whatever of a rupture of our national ties—none. And he again said, that, being all of the same Anglo-Saxon race, the extension of the confederacy to the limits he had indicated would strengthen instead of weakening our Union, and would greatly promote the security and prosperity of the republic.

Another great advantage flowing from the admission of Texas would be that it would relieve us from the painful position of having a rival republic at our doors. So situated, a rival must become an enemy. Her great staples were our great staples; we should be natural rivals in the same markets of the world. What an opportunity would this not present for foreign influence to foment dissensions and national feuds. Did not all history prove that rival and neighboring nations were always at dissension or war? that their position and their quarrels injured both? How had it been with England and Scotland? Before the national union, for hundreds of years what had been seen in Scotland but the intrigues of foreign governments and the plottings of England to seduce her nobles? The war and border feuds had burned with a perpetual flame. But no sooner were the two countries joined into one than all their domestic miseries ceased as by a charm, and mutual prosperity spread itself over the realms of both these once rival nations.

We were the same race with the people of Texas; our blood ran in their veins. If the two countries became rivals, they would be fierce and bitter rivals. Both had the courage—both the indomitable resolution of the parent stock. In a state of quiet neutrality they never would remain. We must either admit them among us as a portion of ourselves, or, like the remnants of the Canaanites of old, they would be "thorns in our sides" as long as the two nations existed on the earth. We must make our choice between these alternatives. There was no middle path. While we remained separate, there was everything to produce mutual irritation between us. Nay, this, once understood, had already begun. The two rivers were boundaries of both people. And they were already disputing

about the navigation of the Arkansas and the Red river. Texas claimed a right to the navigation of the Mississippi. Then there was another fruitful source of difficulty. England would establish with Texas an intercourse of free trade, while we with our tariff of duties had a conterminous boundary of a thousand miles with her; attempts would inevitably be made to smuggle, and this would create trouble, and a war of custom houses. The annals of human nature proved that love turned to hatred was one of the bitterest passions of the human heart. In proportion to the attachment of the Texans to us and our government now, in that same proportion would be her hatred if we spurned her.

"Earth has no rage like love to hatred turned."

Let Texas long be refused, and she would go on to become a rival republic, and must of necessity attach herself to some foreign nation. Mr. B. was for embracing her *now*. Let us do our duty to ourselves, and, his life for it, not a ripple would appear on the surface of the civilized world in consequence. France or England would never interfere. They understood the law of nations too well. They were too wise to place themselves in the wrong by an armed interference with us on such a ground. Mr. B. did not profess to be well acquainted with the present state of our foreign relations, yet he felt very confident there was no danger of a war; but if there were, in a just cause he would not dread it.

I now come (said Mr. B.) to the last topic. The only objection to the admission of Texas deserving serious consideration is, that it will extend the area of slavery. If it were not for this consideration the country would be as unanimous on this subject as it ever had been on any great question. The abolitionists and the warm advocates of negro emancipation oppose the admission of Texas for this and for no other reason. But are there not considerations which entirely nullify this objection, and cast the weight of the argument on the other side? It may spread slavery over a large surface, but will it increase the number of slaves? No man in his senses believes that Texas, independent, will abolish slavery. England has strained every nerve to induce her to adopt this measure; but all in vain. England has offered to guaranty her independence of Mexico on this condition; but all her efforts have proved unavailing. Then slavery is destined to exist in Texas, whether we admit her into our Union or not.

The admission of Texas will forever prevent the foreign slave trade from reaching her shores. After the millions of treasure which have been expended by England, and the immense loss of human life which she has incurred in the suppression of this infamous trade, it appears to be still nearly as flourishing as ever. Indeed, its horrors have been increased by the attempts at concealment. This is the language of recent British publications.

Now, sir, even the keen-eyed abolitionists have never to my knowledge even charged that the southern planters had encouraged the traffic by purchasing African slaves. This trade has been the scourge of Africa and the disgrace of the civilized world, but our southern friends stand guiltless of participating in its enormities. None of the people of Texas belonging to our race have ever participated, or I trust ever will participate, in it. But let Texas be independent, and adventurers from all nations will rush into its fruitful territory; and what cupidity has done in one portion of the world it will do in another. By the admission of Texas you forever remove this danger.

So far from the admission of Texas being favorable to slavery, is it not more probable that this may eventually prove the means, under an all-wise providence, of removing it altogether from our borders? Its effect will soon be felt upon the northern slave states. Before the fatal agitation of abolition arose, this happy event, in regard to several of these states, was approaching its consummation. The current of public opinion was running strongly in this direction. In the House of Delegates in Virginia, the grandson of Mr. Jefferson had introduced a proposition having in view gradual emancipation, which, if my memory serves me, was lost by but a single vote. The abolition excitement at once put an end to these bright prospects.

The admission of Texas will put causes into operation which must produce the same result. Slave labor, like every other commodity, will seek the most profitable market. Will my friend from Virginia (Mr. Archer) say that slave labor is now profitable in cultivating the exhausted soil of his state, and in raising wheat and provisions? Certainly not. The time has nearly arrived in that state, foretold by Mr. Randolph, when, if the slave did not run away from his master, the master must run away from the slave. The admission of Texas will produce a gradual drain of slaves from the more northern slave states. They will go to a country more congenial to their constitution.

and where they will probably be better fed and clothed; because their labor will be more productive, and their masters can afford to grant them more of the comforts of life.

In reviewing the humble part which I have taken in public affairs, during a period not now short, there is nothing which I can review with more pleasure than the course which I have pursued on the subject of slavery. When I first came into the Senate, I found the abolition excitement much more violent and active than it is at present. The mails were then loaded with pictorial representations calculated to arouse the passions of the slave and excite him to vengeance. The danger of servile insurrection was then imminent. Those engaged in the agitation believed that they were doing God's service. Honest fanaticism, in the history of our race, has done as much evil and shed as much human blood as any other cause. The agitation threatened the existence of the Union. It could not be supposed that fathers and mothers, who went to bed trembling at night lest their mansions might be involved in flames before the morning, and all the horrors of servile insurrection might be their fate, would long cling to a union with a people which encouraged such enormities. Self-preservation is the first law of nature, and above all other laws.

Surrounded by these circumstances, I took my stand on this question, from which I have never since departed. Under the Constitution the southern states have rights guarantied to them, and these rights I determined to maintain, come weal, come woe. I determined that I would never risk the blessings of this glorious confederacy, with all the benefits which it holds out, not only to ourselves, but to the whole human race, for the sake of an unavailing philanthropy. The constitutional rights of the south, under our constitutional compact, are as much entitled to protection as those of any other portion of the Union.

I stand by the Constitution as it is; and so far as I know, a large majority of my constituents have approved my course. I need not say that I never owned a slave, and I know that I never shall own one. I am not friendly to slavery in the abstract, and I look to Texas as the probable means of relieving the Union from slavery at some distant day.

The counsels of the Almighty are never rash. A thousand years are to him but one day. The past, the present, and the future are all before him. He operates great changes in the moral world by gradual means. May not the admission of

Texas gradually draw our slaves from the centre to the southern extremity of our Union, and eventually may they not pass the Del Norte and be incorporated with a race where the distinctions of color are unknown, and where they may enjoy their freedom without that taint of degradation which they must ever experience among the Anglo-American race?

I adhere to the Constitution as it is. May it be perpetual!

FROM MR. POLK.[1]

WASHINGTON CITY Feby. 17th 1845.

SIR:

The principles and policy which will be observed and maintained during my administration are embodied in the resolutions adopted by the Democratic National Convention of Delegates, assembled at Baltimore in May last, and in the Inaugural address which I propose to deliver to my Fellow Citizens, on assuming the duties of President of the United States, and which is herewith handed to you for your perusal.—

In making up my Cabinet, I desire to select gentlemen who agree with me in opinion, and who will cordially co-operate with me in carrying out these principles and policy.—

In my official action I will myself take no part between gentlemen of the Democratic party who may become aspirants or Candidates to succeed me in the Presidential office, and desire that no member of my Cabinet shall do so. Individual preferences it is not expected or desired to limit or restrain. It is official interference by the dispensation of public patronage or otherwise that I desire to guard against. Should any member of my Cabinet become a Candidate for the Presidency or Vice Presidency of the United States, it will be expected upon the happening of such an event, that he will retire from the Cabinet.—

I disapprove the practice which has sometimes prevailed, of Cabinet officers absenting themselves for long periods of time from the seat of Government, and leaving the management of their Departments to chief clerks, or other less responsible persons than themselves. I expect myself to remain constantly at Washington, unless it may be that no public duty requires my presence, when I may be occasionally absent, but then only for a short time.

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[1] Buchanan Papers, Historical Society of Pennsylvania; Curtis's Buchanan, I. 547. When this letter was first made public in Curtis's work, it was supposed to have been a communication addressed exclusively to Mr. Buchanan; and on this supposition it is commented upon by Mr. Blaine, in his Twenty Years of Congress, I. 57, as having imposed "conditions which seemed derogatory to the dignity of Mr. Buchanan." It was, however, a circular form which Mr. Polk used in inviting into his cabinet the persons whom he selected for positions in it.

It is by conforming to this rule that the President and his Cabinet can have any assurance that abuses will be prevented, and that the subordinate executive officers connected with them respectively will faithfully perform their duty.—

If, sir, you concur with me in these opinions and views, I shall be pleased to have your assistance in my administration, as a member of my Cabinet; and now tender to you the office of Secretary of State, and invite you to take charge of that Department.—

I shall be pleased to receive your answer at your earliest convenience.—

I am with Great Respect

Your obt. Svt.

JAMES K. POLK.

HON. JAMES BUCHANAN
of Pennsylvania.—
Washington City.

TO MR. POLK.[1]

WASHINGTON 18 February 1845.

MY DEAR SIR/

I feel greatly honored by your kind invitation to accept the station of Secretary of State in your Cabinet; & I cheerfully & cordially approve the terms on which this offer has been made, as they have been presented in your note of yesterday. To prevent however any possible misunderstanding between us hereafter, I desire to make an explanation in regard to that portion of your letter which requires that any member of your Cabinet shall retire upon becoming a Candidate for the Presidency.

Before I had anticipated that you would do me the honor of inviting me to a seat in your Cabinet, I had publicly presented my views on the subject of agitating the question of the next Presidency in the strongest colors. Both patriotism & policy—the success of the party, as well as that of your administration, require, that we should have repose from the strife of making Presidents. I am therefore utterly opposed to the agitation of this question in any shape or form, & shall exercise any influence which I may possess to prevent it, both in regard to myself and others. Nay more, I think the welfare of your administration requires that in every prudent & appropriate manner, this principle should be maintained by it; and the patronage of the Government ought to be dispensed not to favor any individual

[1] Buchanan Papers, Historical Society of Pennsylvania; Curtis's Buchanan, I. 548.

aspirant, but solely for the good of the Country & the Democratic cause.

I do not know that I shall ever desire to be a Candidate for the Presidency. Most certainly I never yet strongly felt such an inclination; and I have been willing & should at this moment be willing to accept a station, which would, in my estimation of what is proper, deprive me of any prospect of reaching that office. Still I could not & would not accept the high & honorable office to which you have called me, at the expense of self-ostracism. My friends would unanimously condemn me were I to pursue this course. I cannot proclaim to the world that in no contingency shall I be a Candidate for the Presidency in 1848; nor in the meantime can I be held responsible for the action of occasional County meetings, in my own or other States, preceding general elections, which, without my previous knowledge or consent, might present my name in connexion with this office. I can answer for myself that as I have never yet raised a finger or stirred a step, towards the attainment of this station; so I never shall make any personal exertions for that purpose, without your express permission, so long as I may remain a member of your Cabinet. If however, unexpectedly to myself, the people should, by a State or National Convention, present me as their candidate, I cannot declare in advance that I would not accede to their wishes; but in that event I would retire from your Cabinet unless you should desire me to remain.

I do not deny that I would be as much pleased to accept the station of Secretary of State from yourself as from any man living. I entertain a strong conviction, that under the controlling direction of your wisdom, prudence & firmness, I might be useful to you in conducting the Department of State; and I know from your established character, so far as it is given to mortals to know any thing, that our social & personal intercourse would be of the most friendly & agreeable character.

If under these explanations, you are willing to confer upon me the office of Secretary of State, I shall accept it with gratitude & exert my best efforts to do my duty to the country & to yourself.

With sentiments of the highest & most sincere respect I remain

Your friend
Signed JAMES BUCHANAN.

HIS EXCELLENCY
JAMES K. POLK.

REMARKS, FEBRUARY 27, 1845,

ON THE MISSIONS TO AUSTRIA AND BRAZIL.[1]

The next amendment of the committee was to reduce the full ministers to Austria and Brazil to chargés.

Mr. Buchanan inquired of the chairman of the Finance Committee, [Mr. Evans,] why the mission to Austria was reduced.

Mr. Evans remarked that the committee had come to the conclusion that a chargé to each of these courts was sufficient, those governments having sent that grade of ministers here. There were only chargés from Austria and Brazil here; and, as there would be a change in our missions there by the 1st of July, the committee were of opinion that this was the proper time to carry into effect the reduction so much desired. All that the committee proposed was to substitute chargés for full ministers at these courts.

Mr. Buchanan remarked that, in regard to the mission with Brazil at the present time—so far as he was acquainted with the relations of the United States with foreign governments—there was but one mission more important. Our commercial relations with that country are extensive. He knew that for some time past a leading power was endeavoring to obtain commercial relations with that country.

He wished to know better, before such a change was made, what was the present condition of our relations with Brazil. He believed that they were going on successfully, and that important benefits might be expected from the present diplomatic grade there. He did not know the rank of the minister of Brazil to this country. He believed, however, he was a diplomatic resident minister, which, under the law of nations was just as high as the general rank of ministers. [Here Mr. Evans said he would not press the reduction of the minister to Brazil.] Mr. B. then remarked that, as to Austria, he knew little or nothing. He did not know whether that government had sent another minister plenipotentiary to this government or not. He was without any knowledge on that subject. However, after we have established a full minister to Austria, and on the suggestion of the Emperor of Austria, who desired to maintain the most friendly relations with us, it appeared to him rather strange to

[1] Cong. Globe, 28 Cong. 2 Sess. XIV. 357.

cut it off—especially without knowing what our relations with that government were, and our success in regard to the great tobacco enterprise set on foot by a convention which met in this city. He greatly preferred that the senator from Maine, [Mr. Evans,] should agree to let that mission stand as it was. If he had time to go to the Department of State, he could speak more confidently as to the importance of maintaining a full minister at that court. He believed that these appropriations were generally granted on the incoming of a new administration. It is not to be inferred, because the appropriations are made, that they will be used. The question, then, was whether the Senate of the United States, without knowing or pretending to know the relations of the United States with Austria, would at once destroy a mission which was originally established by the request of the Emperor of Austria himself. He sent one of his most dignified diplomatic officers, who continued here a number of years. He did not understand that that government had reduced the rank of their minister to this country. Then, sir, in regard to that,—the oldest and proudest monarchy of Europe and always a friend to the United States,—he must object to this summary mode of cutting down the rank of our minister there.

Mr. Evans said he did not desire to consume the valuable time of the Senate, but would merely state the reason which had induced the Committee on Finance to propose this amendment. They were guided by a desire to maintain missions of the same grade at Brazil and Austria as were maintained by the emperors of those countries in the United States. He had consented to allow the appropriation for a full mission to Brazil to remain, inasmuch as it had been requested by the senator from Pennsylvania, [Mr. Buchanan,] and other friends of the mission. In the case of Austria, however, he would remark that there was no important negotiation in progress with that country at present, except, perhaps, the negotiation about fixing the value of coin. If the friends of the incoming administration, however, insisted upon the appropriation, he (Mr. E.) would consent, as it was immaterial to him. He had supposed that the senator from Pennsylvania, [Mr. Buchanan,] who was consulted on the subject, had consented to the amendment proposed by the committee.

Mr. Buchanan said he was not aware that he had been consulted in this matter by the chairman of the Finance Committee. The senator remarked that there was no important negotiation going on between this country and Austria, except that in

relation to the value of coin. Had the senator inquired at the State Department about our relations with Austria? The mission was established upon the suggestion of a tobacco convention —a most respectable body—which assembled in Washington a few years since. The subject of our tobacco trade had been steadily pursued by the minister, as he (Mr. B.) knew, for he had corresponded with the secretary of legation. He hoped that the mission would be continued, and the appropriation not stricken out by the Senate.

Mr. McDuffie desired to know what was the amount of commerce annually carried on between the United States and Austria.

Mr. Evans could not say; but he knew that the amount was not great.

Mr. McDuffie had but a word to say in relation to the proposed amendment. A new administration was about to come into power. Much had been said in the country about economy and reform, and he hoped the new administration would begin the work of economy. He regarded many of these foreign missions as very much like some of our army and naval establishments, intended rather for the benefit of persons than of the government which supported them. If he understood the commercial relations between this country and Austria, that country, considering its extent and power in Europe, was least of all other powers to be regarded by us. He felt sure that a minister of a lower grade than we now kept in Austria would be sufficient for all our purposes, and that an embassy of a higher grade than a chargéship was a mere sinecure. Such was the grade of the minister sent by the Emperor of Austria to this country; and a reduction of the grade of our minister could not be considered at all disrespectful to that sovereign.

Mr. Buchanan remarked that the present Secretary of State was as much attached to economy and reform as any man in the country, and yet he had recommended the continuance of this as a full mission. He read from the estimates received from the State Department to show the fact. Nevertheless, he (Mr. B.) would not press the matter further. If the Senate believed it right to reduce the Austrian mission, he would not object.

The question was then taken upon the amendment of the Committee on Finance, reducing the mission to Brazil from a full mission to a chargéship, and it was non-concurred in.

The amendment of the committee reducing the mission to Austria from a full mission to a chargéship was agreed to, and the appropriation was reduced accordingly.

REMARKS, FEBRUARY 27, 1845,

ON THE ANNEXATION OF TEXAS.[1]

Mr. Buchanan, in consideration of the circumstance that two senators were absent, was not willing to place them in a position of not having an opportunity of casting their votes. He believed it would be more satisfactory to all parties here, and to the country, to take a recess and then proceed to vote.

The joint resolution was then passed over informally.

Mr. Pearce was anxious to state that he hoped the question would be taken this evening, as he could not be here to-morrow.

The Senate then agreed to take a recess till six o'clock.

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Mr. Buchanan said he did not rise to debate the question. He had heard some of his respected friends on this side of the House, in whose sincerity he had the most entire confidence, observe that if these resolutions should pass the Senate, the constitution would receive a mortal stab. If Mr. B. thought so, great as was the acquisition we were about to make, he should be the last man in existence to acquire the richest benefit the world could hold out to our grasp at such a price.

Mr. B. said he might have assumed the privilege of reply which belonged to him from the position he occupied on the Committee on Foreign Relations; but he waived it, not because the arguments on the other side had not been exceedingly ingenious and plausible, and urged with great ability, but because all the reasoning and ingenuity in the world could not abolish the plain language of the constitution, which declared that "new States might be admitted by Congress into the Union." But what new States? The convention had answered that question in letters of light, by rejecting the proposed limitation of this grant which would have confined it to States lawfully arising within the United States. The clause was introduced with this limitation, and, after full discussion, it ended in the shape it now held,

[1] Cong. Globe, 28 Cong. 2 Sess. XIV. 359, 361–362.

without limitation or restriction of any kind. This was a historical fact. It could not be denied. Planting himself upon that fact, and having heard no argument which shook the position—believing, as he most conscientiously did believe, that the constitution would not be violated in the least by the adoption of the pending resolutions, he here entered his solemn protest against the solemn protests which had been made on the other side, and which went almost the length of implying that he and the advocates of these resolutions, were knowingly and of design violating the constitution and their oaths, to secure a favorite political measure.

This was the greatest public act in which Mr. B. had ever had the honor of taking an humble part; he should do it cheerfully, gladly, gloriously, because he believed that his vote would confer blessings innumerable upon his fellow men, now, henceforward, and forever.

Mr. Berrien said he would not consent that this debate should close with the declaration of the senator from Pennsylvania, [Mr. Buchanan,] that the convention had not determined the sense of the term "new States."

Mr. Buchanan rose to explain. What the senator from Pennsylvania did say was, that at first the clause granting power to Congress to admit new States into the Union had been confined to States arising within the United States; but that after debate and a full discussion, the constitution was adopted with the clause in its present clear unrestricted form, written as in letters of light.

REMARKS, MARCH 1, 1845,

ON A RESOLUTION AFFECTING DEFAULTING STATES.[1]

A joint resolution was before the Senate to direct the Secretary of the Treasury, whenever any State was in default in payments, whether of interest or of principal, on investments in its stocks or bonds held by the United States in trust, to retain and apply so much as might be necessary of the State's percentage of the proceeds of the sale of public lands within its limits to the payment of the arrears of interest or principal, or to the reimbursement of any sums expended by the United States for that

[1] Cong. Globe, 28 Cong. 2 Sess. XIV. 377.

purpose. The States of Illinois, Indiana, and Mississippi were mentioned in the debate as being affected by the resolution.

Mr. Buchanan said he need not state the impressions which rested upon his mind on the subject of repudiation; for no one had done more than he in endeavoring to remedy the non-payment of interest by his own State. Still, he should vote against this resolution. He read from the statutes to show that Congress had given away this 3 per cent. and other funds expressly to the States in trust for certain purposes—sometimes for the benefit of the Indians, sometimes for education, sometimes for roads and canals. The money was applied, not to the benefit of Indiana or any other State alone, but for the advantage of the whole surrounding country. He knew not very much of law now, though once a very good lawyer; but he knew enough to tell him that the funds of a ward in a guardian's hand could not be taken to set off a debt against the guardian, nor could this fund be taken from the States. He should vote against the resolution, and put his vote on the ground that Indiana was a mere trustee.[1]

TO GENERAL ALMONTE, MEXICAN MINISTER.[2]

DEPARTMENT OF STATE,
WASHINGTON, 10th March, 1845.

The Undersigned, Secretary of State of the United States, has received the note of General Almonte, the Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic, of the 6th instant, addressed to his predecessor, the Hon. John C. Calhoun, protesting, in the name of his Government, against the resolution of the late Congress for annexing Texas to the United States: and he has submitted the same to the President.

[1] The resolution was passed by a vote of 29 yeas to 18 nays, Mr. Buchanan voting in the negative.

[2] S. Ex. Doc. 1, 29 Cong. 1 Sess. 39; H. Ex. Doc. 2, 29 Cong. 1 Sess. 131–132; MS. Notes to Mexican Legation, VI. 185. General Almonte's note (translated), to which the foregoing was a reply, was as follows:

MEXICAN LEGATION, WASHINGTON, March 6, 1845.

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic, has the honor to address the honorable John C. Calhoun, Secretary of State of the United States of America, with the object of making known to him the profound regret with which he has seen that the general Congress of the Union has passed a law giving its consent, and admit-

In answer, the Undersigned is instructed to say, that the admission of Texas as one of the States of this Union having received the sanction both of the legislative and Executive Departments of the government, is now irrevocably decided, so far as the United States are concerned. Nothing but the refusal of Texas to ratify the terms and conditions on which her admission depends, can defeat this object. It is, therefore, too late at present to reopen a discussion which has already been exhausted, and again to prove that Texas has long since achieved her independence of Mexico, and now stands before the world, both *de jure* and *de facto,* as a sovereign and independent State amid the family of nations. Sustaining this character and having mani-

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ting (prestando su consentimiento y admitiendo) into the American confederacy the province of Texas.

The undersigned had flattered himself with the idea that, on this question, the good judgment and sound counsels of the citizens most distinguished and most intimately acquainted with the conduct of the public affairs of this republic, would have prevailed in the deliberations of the legislative body and of the Executive of the Union. Unfortunately, however, it has been otherwise; and, contrary to his hopes and most sincere prayers, he sees consummated, on the part of the American government, an act of aggression the most unjust which can be found recorded in the annals of modern history—namely, that of despoiling a friendly nation like Mexico, of a considerable portion of her territory.

For these reasons, the undersigned, in compliance with his instructions, finds himself required to protest, as he does in fact protest, in the most solemn manner, in the name of his government, against the law passed on the 28th of the last month by the general Congress of the United States, and approved on the first of the present month by the President of these States, whereby the province of Texas, an integrant portion of the Mexican territory, is agreed and admitted, (se consiente y admite) into the American Union. The undersigned moreover protests, in the name of his government, that the said law can in nowise invalidate the rights on which Mexico relies to recover the above mentioned province of Texas, of which she now sees herself unjustly despoiled; and that she will maintain and uphold those rights at all times, by every means which may be in her power.

The undersigned will say in conclusion, to the honorable Secretary of State of the United States, in order that he may be pleased to communicate it to the President of these States, that in consequence of this law against which he has just protested, his mission near this government has ceased from this day. Wherefore, the undersigned prays the honorable Secretary of State to be pleased to deliver him his passports, as he has made arrangements to leave this city without delay, for New York.

The undersigned avails himself of this occasion to repeat to the Hon. John C. Calhoun, Secretary of State, the assurance of his high consideration.

J. N. Almonte.

Hon. John C. Calhoun, Secretary of State, &c. &c. &c.

fested a strong desire to become one of the members of our Confederacy, neither Mexico nor any other nation will have just cause of complaint against the United States for admitting her into this Union.

The President nevertheless sincerely regrets that the Government of Mexico should have taken offence at these proceedings; and he earnestly trusts that it may hereafter be disposed to view them in a more favorable and friendly light. Whilst entering upon the duties of the Presidential office, he cheerfully declares in advance, that his most strenuous efforts shall be devoted to the amicable adjustment of every cause of complaint between the two Governments, and to the cultivation of the kindest and most friendly relations between the sister Republics.

The Undersigned has the honor to transmit to General Almonte his passport according to his request, and to assure him of his distinguished consideration and regard.

JAMES BUCHANAN.

TO THE BRIGADIER GENERAL DON J. N. ALMONTE, &c. &c. &c.

TO MR. DONELSON.[1]

(No. 5.) DEPARTMENT OF STATE,
WASHINGTON, 10th March, 1845.

SIR: You will have received, ere this can reach you, the despatch of Mr. Calhoun, the late Secretary of State, of the third instant, instructing you "to present to the government of Texas, as the basis of its admission, the proposals contained in the Resolution as it came from the House of Representatives." President Tyler having thus determined to adopt the two first of the series of Resolutions instead of the alternative presented by the third, it became the duty of the President to devote his attention to this important question at as early a moment as possible. This has been done, and his deliberations have resulted in a clear and firm conviction that it would be inexpedient to reverse the decision of his predecessor.

[1] MS. Instructions, Texas, I. 112; S. Ex. Doc. 1, 29 Cong. 1 Sess. 35–38; H. Ex. Doc. 2, 29 Cong. 1 Sess. 127–130. Mr. Donelson, a nephew of General Jackson, was at this time chargé d'affaires to Texas. The instruction was sent to Texas by Mr. A. Yell, a special messenger. (Mr. Buchanan to Mr. Yell, March 10, 1845, MS. Inst. Texas, I. 117.)

Whilst the President does not concur in the opinion of his predecessor, that under the third Resolution the terms of admission and cession which might be agreed upon by commissioners of the respective governments would necessarily be a Treaty which must, under the Constitution, be submitted to the Senate for their advice and consent, yet he is sensible that many of the sincere friends of Texas may entertain this opinion. Should that prove to be the case in the two Houses of Congress, members sincerely friendly to the admission of Texas would be compelled to vote against the adoption of such articles of Union under the conviction that they could only be constitutionally submitted to the Senate. This might create a division among the friends of the measure which would prove fatal to its success.

The President prefers the two first Resolutions, because they will, in his judgment, the most speedily and certainly secure the admission of Texas into the Union. These Resolutions pursue the usual course adopted by Congress in preparing the way for the admission of new States, so far as the existing relations between the two Republics will permit. Should Texas assent to the terms and conditions proposed by them, the faith of the Government of the United States then becomes pledged for her admission into the Union, and the Act of Congress redeeming this pledge will follow as a necessary consequence. The President can perceive no good reason why this Union so long desired by the people of the two Republics may not be consummated within a brief period after the commencement of the next session of Congress. Nothing can prevent this happy result but the determination of Texas to change and modify the conditions presented by these Resolutions; and you cannot too earnestly warn the government of that Republic against the unhappy consequences which may flow from such a policy. Should any of these conditions appear to be unreasonable, she may rely with confidence upon the well-known justice and liberality of her sister States to change or modify them after she shall have been restored to the bosom of our Republican family. The great object now to be accomplished, that which far transcends all other objects in importance, is her prompt admission into the Union. This once accomplished, all other subordinate questions can be easily and satisfactorily arranged between the parties. The President confidently trusts that the Government of Texas may take this view of the subject and not suffer the reünion between the two countries to be delayed or defeated by the interposition of minor

questions which in the natural course of events will settle themselves hereafter.

Should Texas refuse her assent to the terms and conditions of the two first Resolutions or present new conditions for the acceptance of Congress, we are then again at sea and the success of the great measure may be placed in jeopardy. These new conditions may become the subject of earnest and angry debate before Congress,—the friends of the admission of Texas may be divided in opinion regarding them, and thus the great work of union may be almost indefinitely postponed. Should the Congress of the United States, after a debate which may be protracted until near the termination of the next session, reject all or any of the conditions which may be proposed by Texas, these must be again referred back for the decision of the Government of that Republic. This must produce long delay in her admission into the Union. Indeed nothing could be more tedious and embarrassing than such an exchange of conditions and propositions between the Legislative authorities of the two Governments, and nothing would have a stronger tendency to produce angry discussions which might end in estrangement. The two Governments might thus involve themselves in an inextricable labyrinth of confusion, and be finally compelled to commence the great work anew which may now so happily and so soon be completed. The confident expectation of the President that Texas would postpone all minor questions and consent to an immediate admission into the Union on the terms proposed, was one of the prevailing reasons for his preference of the two first Resolutions.

But cannot a mode be suggested entirely consistent with the immediate admission of Texas into the Union by which she may obtain all that she can reasonably desire? If it should be objected to that portion of the conditions proposed which necessarily deprives her of her revenue from customs without furnishing her the means of paying her debts incurred in the war of independence, that she would thus be forced into a condition of continued insolvency, this objection may be easily avoided. Both national honor and national justice forbid that the Government of the United States should place her in such a position. But the remedy for this evil is plainly pointed out by the relative condition of the two countries. Whilst the President cannot consent that this government should assume the debts of Texas, nothing is more easy than for her Convention to make a distinct and independent proposition to the Government of the United States,

the almost certain acceptance of which by Congress would relieve her from this embarrassment.

The public lands of Texas ought unquestionably to belong to the United States. This is equally due to the prosperity of Texas and to that of the other States within whose limits there are public lands. Our land system has worked admirably in practice and has met the approbation of the world. Equal and exact justice to all the States requires that all the public lands should be subject to the control of the Federal Government and that they should be administered under a uniform system. Besides, the peace of the whole country, as well as the security of Texas, demands that this Government alone should possess the power of extinguishing the Indian title within her limits and have the absolute and exclusive control over the Camanches and other fierce and warlike tribes which now roam over her territory. The United States must incur the expense and bear the burden of our wars with these tribes, and they ought therefore to possess the power of preserving peace and regulating all our relations with them. In short, it is indispensable that our Indian policy should be extended over Texas.

Under these circumstances, why may not the Convention which will assemble to form a Constitution for Texas submit a distinct proposition to Congress to cede to the United States all her public lands and the exclusive jurisdiction over the Indians within her limits, in consideration of a fair and adequate sum of money? The amount may be the subject of future agreement. Whilst this would enable Texas to pay her debts, it would extend our land system and our Indian system to territory which they ought to embrace. Such a proposition would be so just and reasonable in itself, so consonant with the established policy of the United States and so beneficial to Texas, that scarcely a doubt exists but that it would receive the sanction of Congress. The President would strongly recommend it to Congress, in the confident hope that it would receive the approbation of that enlightened body. Presented as a distinct proposition, in no manner connected with the question of admission and after this question shall have been decided favorably, he does not apprehend that it would encounter any serious opposition. But if this were made a condition of admission, members who are honestly and conscientiously hostile to the measure might oppose it for the purpose of defeating or delaying the accomplishment of an object which they deem injurious to the country.

In every aspect in which the President has viewed this subject he believes that the paramount question of admission can be best settled and the just rights of Texas can be best secured by her acceptance, without qualification, of the terms and conditions proposed by the first two resolutions, and he therefore confidently expects that you will exert your well-known ability and energy to secure this auspicious result by every honorable means within your power.

I herewith transmit to you the copy of a note, dated on the 6th instant, addressed to this Department by General Almonte, the Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic, together with a copy of my answer of this date. These notes require no comment. They will speak for themselves. You will perceive that they furnish a powerful additional reason, in support of the arguments already advanced, why Texas should consent to be admitted into the Union without proposing any embarrassing conditions which might render long delay inevitable.

I am, Sir, very respectfully, Your obedient servant,

JAMES BUCHANAN.

To A. J. DONELSON, ESQUIRE, &c. &c. &c.

TO MR. LEE.[1]

DEPARTMENT OF STATE,
WASHINGTON March 15th 1845.

Z. COLLINS LEE ESQR.
U. S. Dist. Atty. Baltimore.

SIR,

I enclose herewith a copy of a letter received on the 13th Instant, from George William Gordon Esq. U. S. Consul at Rio de Janeiro, and the Journal of proceedings (referred to) before him in the case of Jason L. Pendleton & others, late of the American Brig "Montevideo" charged with having violated the Laws of the United States for the suppression of the Slave trade, with certified copies of the Testimony therein submitted & the original papers of the said Brig.

It appears that Capt. Pendleton and the other persons named

[1] MSS. Department of State, Despatches to Consuls, XI. 351.

in Mr. Gordon's letter, have been brought to the U. States, in the Frigate "Congress," and are now in the custody of the Marshal for the District of Maryland.

I request that you will enforce in this case the promptest and strictest measures warranted by Law.

I am Sir &c.

JAMES BUCHANAN.

TO MR. ROGERS.[1]

DEPARTMENT OF STATE,
WASHINGTON March 15th 1845.

WILLIAM H. ROGERS ESQR.
U. S. Dist. Atty.
Wilmington, Del.

SIR,

Referring you to a letter from this Department of the 21st Ulto: I have now to inform you that the Witnesses in the case of Capt. Hiram Gray & others, late of the Brig "Agnes" charged with certain acts in violation of the Laws of the U. States for the suppression of the Slave Trade, have arrived in the Frigate "Congress" and are now in the custody at Baltimore of the Marshal of the U. States for the District of Maryland.

I request that you will at your earliest convenience, take the proper steps to procure the arrest and commitment of Gray, Ruhl & Gough.

A copy of the letter of the U. S. Consul relating to the Witnesses above is herewith enclosed. A copy of it with the Journal &c. referred to, has also been this day sent to the United States District Attorney at Baltimore, that the proper proceedings may be had against Capt. Pendleton & others of the Brig "Montevideo" to which it more particularly refers.

I am Sir &c.

JAMES BUCHANAN.

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[1] MSS. Department of State, Despatches to Consuls, XI. 352.

TO MR. REED.[1]

DEPARTMENT OF STATE,
WASHINGTON, March 17. 1845.

WASHINGTON REED ESQR.
Milton (North Carolina).

SIR.

I have recently received from the Diplomatic Representatives of Her Catholic Majesty at Washington a note (of which for your information a copy is enclosed) stating that agreeably to the existing laws of the Supreme Government of the Mother Country the Captain General of the Island of Cuba is not allowed to recognize as Consuls of Foreign nations any persons who have not been previously provided with the Royal Exequatur of her Majesty the Queen & then too only in the ports of Havana, Matanzas, Santiago & Trinidad de Cuba; for in the other ports of the Island no persons can be recognized either in the character of Vice Consuls or even mere mercantile agents whether Natives or Foreigners.

It is almost needless to add that this measure on the part of the Metropolitan Government will render inoperative your appointment as U. S. Consul at Sagua la Grande.

I am respectfully &c.

JAMES BUCHANAN.

TO M. PAGEOT.[2]

DEPARTMENT OF STATE,
WASHINGTON, 24th March, 1845.

MR. ALPHONSE PAGEOT,
&c., &c., &c.

SIR:

I have the honor to transmit to you, enclosed,—with reference to the previous correspondence which has passed between this Department and the French Legation at Washington,—the copy of an act for regulating the commercial intercourse between the United States and the Islands of Saint Pierre and Miquelon. It provides for the admission of French vessels, coming directly

[1] MSS. Department of State, Despatches to Consuls, X. 289.

[2] MSS. Department of State, Notes to French Legation, VI. 89. M. Pageot was at this time the diplomatic representative of France at Washington.

from those Islands to the ports of this country, on the payment of no higher duties on tonnage, or on their cargoes consisting of articles the growth or manufacture of either of said Islands, than are imposed on American vessels, and on like cargoes imported in American vessels.

It will be perceived from the terms of this law, that satisfactory evidence must be adduced that similar privileges have been allowed to American vessels and their cargoes at those Islands, before the necessary steps can be taken to give effect to this enactment. I therefore hasten to invite your attention to the subject, and at the same time to inform you that the President of the United States will be happy to comply with the provisions of the act so soon as he shall have received the requisite information.

I avail myself of this occasion to offer you the assurance of my high consideration.

JAMES BUCHANAN.

TO MR. KING.[1]

DEPARTMENT OF STATE,
WASHINGTON, 25th March, 1845.

WILLIAM R. KING, ESQRE.
&c., &c., &c.

SIR:

Your despatch, No. 11, under date of the 27th ultimo, has been received and submitted to the President. In commencing his administration, he had confidently hoped that the Government of France was animated by the same kind spirit towards the United States which inspires the Government and People of this country in all their conduct towards their ancient Revolutionary ally. This agreeable impression was made upon his mind by the emphatic declaration of His Majesty to yourself, on the 4th July last, when speaking on the subject of the annexation of Texas to our Union, "that in any event no steps would be taken by his Government, in the slightest degree hostile or which would give to the United States just cause of complaint." The President was also gratified with the subsequent assurance of Mr.

[1] MSS. Department of State, Instructions, France, XV. 30. This instruction is printed, with some inaccuracies, in Curtis's Buchanan, I. 584. Mr. King was at this time minister to France.

Guizot given to yourself, that France had not acted, and would not act, in concert with Great Britain for the purpose of preventing annexation, but that in any course she might pursue, she would proceed independently of that Power. You may then judge of the surprise and regret of the President, when he discovered from your last despatch that the Governments of France and Great Britain were now acting in concert and endeavoring by a joint effort to dissuade the Government and People of Texas from giving their consent to annexation. Nay, more, that so intimate has been their alliance to accomplish this purpose, that even "the instructions of the French Government to its representative in Texas had been communicated to Lord Aberdeen."

The People of Texas are sovereign and independent. Under Providence they hold their destiny in their own hands. Justice to them requires that they should have been left free to decide the question of annexation for themselves without foreign interference, and without being biassed by foreign influence. Not a doubt exists but that the People of the two Republics are anxious to form a re-union. Indeed the enthusiastic unanimity which has been displayed by the citizens of Texas in favor of annexation is unexampled in the history of Nations. Little reason, then, had we to anticipate that whilst the two Republics were proceeding to adjust the terms for accomplishing this re-union, that France, in concert with Great Britain, and under the lead of that Power, should interpose her efforts and her influence to paralyse and arrest the free action of the People of Texas, and thus place herself in an unfriendly attitude towards the United States.

The President leaves it to your sound discretion to decide whether you ought not to embrace a favorable opportunity to communicate, formally or informally to the Government of France, the painful disappointment which he has experienced from a review of these circumstances.

I am, Sir, respectfully, your obedient servant,

JAMES BUCHANAN.

TO MR. WHEATON.[1]

(No. 68.) DEPARTMENT OF STATE,
WASHINGTON, 27th March, 1845.

HENRY WHEATON, ESQRE.,
&c., &c., Berlin.

SIR:

I have the honor to acknowledge the receipt of your despatch of the 29th of January, No. 258, enclosing a Convention concluded and signed on that day, between the United States and Prussia, with certain other German States, for the mutual extradition of fugitives from justice, in certain cases. This Convention reached Washington on the 21st instant, a few days after the adjournment of the Senate, and will of course lie over till the next Session;—a delay for which ample time is afforded, by the 6th Article, which provides, that the exchange of ratifications shall take place in Berlin within fifteen months from the date of the Convention.

I transmit to you, with this despatch, a ratified copy of the Convention for the mutual abolition of the droit d'aubaine, and taxes on emigration, between the United States of America, on the one part, and His Majesty, the King of Bavaria, on the other part, concluded and signed by you at Berlin, on the 21st day of January of the present year; which has been approved and ratified by the President, by and with the advice and consent of the Senate of the United States.—

This Convention, as you were informed in a despatch from the Department dated 25th ultimo and numbered 65, was submitted to the Senate on the 24th ultimo; which advised and consented to its ratification on the 15th instant, with an amendment, striking out from the third article the words "real and." A copy of the Resolution of the Senate accompanies this despatch.—

The President would have had no hesitation in ratifying the Convention as it stood; and he hopes and believes that the amendment will not prove a fatal objection on the part of Bavaria. If no difficulty should arise, you will send home the ratified copy by the usual, or by some safe, channel, without resorting to a

[1] MSS. Department of State, Instructions, Prussia, XIV. 92. Mr. Wheaton, the eminent publicist, was envoy extraordinary and minister plenipotentiary of the United States at Berlin from 1837 to 1846.

special messenger; unless any circumstances should, in your judgment, render the latter course necessary or expedient.

I transmit, herewith, a special power, from the President, authorizing you to make the exchange of the ratifications of the Convention.—

Your despatches Nos. 256, 257, and 259 have been received.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO MR. WICKLIFFE.[1]

DEPARTMENT OF STATE,
WASHINGTON, 27th March, 1845.

TO THE HONORABLE CHARLES A. WICKLIFFE.

SIR:

The President having learned from authority in which he places confidence, that the Governments of Great Britain and France are exerting themselves in concert through their public ministers in Texas, to defeat the reünion of that Republic with the United States, has deemed it expedient to employ a confidential agent for the purpose of counteracting their efforts: and reposing full reliance on your ability, discretion and patriotism, he has selected you for this important trust.

You will proceed to the seat of Government of Texas with as little delay as possible, by the nearest and most expeditious route, and place yourself at once in communication with A. J. Donelson, Esquire, our Chargé d'Affaires. Prudence, however, dictates that you shall not make known your official character to any other person.

The President desires that you shall move with as much expedition as possible. You will perceive from the first of the joint resolutions, "annexing Texas to the United States," that the consent of the existing Government is a pre-requisite to the election of deputies to form a Constitution. To obtain this consent may possibly be found the greatest obstacle in the way to annexation. As this very question must now be under the consideration of the authorities of Texas, the necessity is urgent for your presence at their seat of Government as soon as practicable.

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[1] MSS. Department of State, Special Missions, I. 213.

The President deems it unnecessary to give you any minute instructions. You are fully acquainted with the nature and progress of this great question, in all its bearings, from the beginning; and you will use such arguments on the proper occasions and to the proper persons, as you may deem best adapted to convince the authorities and people of Texas that their reünion with the United States will promote and secure their own best interests and those of their posterity. Under the broad banner of the Union, they will be relieved from foreign influence, which now threatens to distract and divide them, and which has ever proved the bane of all Republics within its reach;—their peculiar institutions will be protected against the attacks of English and French fanatics; the emigration of their brethren from the United States will be largely increased; the value of their property will be greatly enhanced, and the blessings of liberty and free government will be permanently secured to them by a powerful Confederacy, which will be rendered still more powerful by the accession of Texas. Instead of mutual jealousies, which will be fomented by the policy of foreign governments and which may result in mutual hostility and lasting injury to both, the sister Republics in union will proceed on a career of prosperity such as the world has never witnessed. If some of the conditions proposed in the second joint resolution for annexation may seem unreasonable, there can be no doubt but that prompt justice will be done to Texas in a liberal spirit after she shall have been restored to the family of her sisters. These and similar topics which will readily suggest themselves to your experienced and well informed mind, you will not fail to press upon all suitable occasions, knowing that the United States have nothing to oppose to the machinations and influence of Great Britain and France except arguments founded on truth and justice.

Your compensation will be at the rate of eight dollars per day from the time of your departure on the business of your mission until your return; and you will be allowed your travelling and other expenses during your absence, for which you will take vouchers when they may be obtainable. The duration of your mission will depend upon circumstances which cannot now be foreseen. You will make regular reports of your proceedings to this Department as often as they can be transmitted with perfect secrecy and security. The sum of one thousand dollars is advanced to you on account.

With high respect, I remain, yours, sincerely,

James Buchanan.

TO MR. PARROTT.[1]

DEPARTMENT OF STATE,
WASHINGTON, 28th March, 1845.

TO W. S. PARROTT, ESQUIRE,
&c. &c. &c.

SIR:

All diplomatic intercourse having been suspended between the governments of the United States and Mexico, it is the desire of the President to restore such an intercourse if this can be effected consistently with the national honor. To accomplish this purpose he has deemed it expedient to send a confidential agent to Mexico, and reposing confidence in your abilities and patriotism, has selected you as a proper person to execute this important trust. Your success may mainly depend upon your perfect command of temper in all situations and under all circumstances, and upon your prudence in refraining from the least intimation that you are a Government agent, unless this should become indispensable to the success of your mission. The trust confided to you is one of a delicate and important character and may involve the public peace. Should you execute it with skill, ability and success, you will deserve and receive the thanks of the President and of the country. From your long residence in Mexico and your thorough acquaintance with the Mexican people and their language, the President considers you peculiarly qualified for the trust, and indulges in favorable anticipations of your success.

You will proceed without delay by the most expeditious route to the City of Mexico, and will there ascertain the temper and tone of the present Mexican Government towards the United States. Such previous knowledge is necessary to enable you to decide upon the manner of approaching the chief officers of that government. From the nature of the case, it is impossible to give you specific instructions as to your mode of proceeding. Nearly all must depend upon your own prudence and discretion. The great object of your mission and that which you will constantly keep in view in all your proceedings, is to reach the President and other high officers of the Mexican government and especially the Minister of Foreign Affairs; and by every

[1] MSS. Department of State, Special Missions, I. 215. William S. Parrott, after his appointment as confidential agent to restore diplomatic intercourse with Mexico, was, Nov. 20, 1845, commissioned as secretary of legation.

honorable effort to convince them that it is the true interest of their country, as it certainly is, to restore friendly relations between the two Republics. Should you clearly ascertain that they are willing to renew our diplomatic intercourse, then and not till then you are at liberty to communicate to them your official character and to state that the United States will send a Minister to Mexico as soon as they receive authentic information that he will be kindly received.

The policy which the President will pursue towards Mexico is best illustrated by the following extract from my note to General Almonte under date of the 10th instant, in answer to his note to Mr. Calhoun of the 6th, protesting against the Resolution of the late Congress for annexing Texas to the United States, and demanding his passports.

"In answer, the Undersigned is instructed to say that the admission of Texas as one of the States of this Union, having received the sanction both of the Legislative and Executive Departments of the Government, is now irrevocably decided, so far as the United States are concerned. Nothing but the refusal of Texas to ratify the terms and conditions on which her admission depends, can defeat this object. It is, therefore, too late at present to reopen a discussion which has already been exhausted, and again to prove that Texas has long since achieved her independence of Mexico and now stands before the world, both *de jure* and *de facto*, as a sovereign and independent State amid the family of nations. Sustaining this character and having manifested a strong desire to become one of the members of our Confederacy, neither Mexico nor any other nation will have just cause of complaint against the United States for admitting her into this Union.

"The President nevertheless sincerely regrets that the Government of Mexico should have taken offence at these proceedings, and he earnestly trusts that it may hereafter be disposed to view them in a more favorable and friendly light. Whilst entering upon the duties of the Presidential office, he cheerfully declares in advance that his most strenuous efforts shall be devoted to the amicable adjustment of every cause of complaint between the two governments and to the cultivation of the kindest and most friendly relations between the sister Republics."

Whilst, therefore, you ought not to conceal that the reünion of Texas with the United States is already decreed and can never under any circumstances be abandoned, you are at liberty to state

your confident belief that in regard to all unsettled questions, we are prepared to meet Mexico in a most liberal and friendly spirit.

You will ascertain the nature and causes of the late revolution in Mexico, and whether the new Government will most probably be permanent, the character of the chiefs of that revolution, and what are their dispositions towards the United States and other foreign nations. This and all other information in relation to your mission you will communicate to the Department of State as often as you can obtain safe and secret opportunities.

If upon your arrival at Vera Cruz you should find that the government of Mexico have commenced open hostilities against the United States, you will return immediately. In that unfortunate event we shall be prepared to act promptly and vigorously in maintaining the rights and honor of the country.

Your compensation will be at the rate of eight dollars per day from the time of your departure on the business of your mission, until your return; and you will be allowed your travelling and other expenses during your absence, for which you will take vouchers when they may be obtainable. The sum of one thousand dollars is advanced to you on account.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO MR. SHANNON.[1]

(No. 10.) DEPARTMENT OF STATE,
WASHINGTON, 29th March, 1845.

TO WILSON SHANNON, ESQUIRE,
&c. &c. &c.

SIR:

Your correspondence with Mr. Rejon, the Minister of Foreign Affairs of Mexico, with your subsequent despatches, has been submitted to the President for his consideration. After a careful examination of your controversy with that Minister, he regrets that you have assumed the high responsibility of sus-

[1] MSS. Department of State, Instructions, Mexico, XV. 324. Mr. Shannon was commissioned envoy extraordinary and minister plenipotentiary to Mexico, April 9, 1844. Having suspended diplomatic intercourse, he demanded his passports and left Mexico, May 14, 1845.

pending all diplomatic intercourse with the Mexican Government without the previous authority of your own government. The President, whilst expressing this regret, is fully sensible of the provocation which you have received and has no doubt of the purity and patriotism of the motives by which you were actuated. The relative position of the United States towards Mexico is best sustained by firmness of action accompanied by moderation of language. Power and true greatness such as belong to our country ought never to waste themselves in words towards a feeble and distracted sister Republic, no matter how much her minister may have scolded.

It is probable that nothing could have been more agreeable to the Mexican Government than to learn from your note of the 8th of November, 1844, to Mr. Rejon, that unless his previous notes of the 6th of that month and of the 31st of October should be withdrawn, all further official intercourse between you and the Government of Mexico would be suspended until you could hear from your own government. His prompt refusal to withdraw these notes has placed you in such a position that you have never since been able to press upon Mexico the numerous claims which we have upon her justice, independently of the Texan question. She has thus been relieved from all these demands, whilst our citizens have continued to suffer from the delay.

The policy which the President intends to pursue towards the Mexican Republic is briefly sketched in my answer of the 10th instant to General Almonte's note of the 6th, copies of which I have the honor of transmitting to you. Whilst the annexation of Texas to the United States is finally and irreversibly determined, so far as we are concerned, it is his purpose and desire to adjust all the other questions in dispute between the two Republics upon the most fair and liberal terms. He does not believe that any point of honor can exist between the United States and Mexico which ought to prevent him from pursuing a conciliatory policy towards that Republic. Should Mexico commence hostilities against us, we shall be prepared promptly and efficiently to maintain the interests and honor of the country, but nothing short of actual hostilities or the plunder and imprisonment of our own citizens will induce the President to depart from the tone and language of conciliation.

Under all these circumstances, you will at once perceive, that considering the hostile and angry feelings which have been, however unjustly, excited against you in Mexico, policy would

forbid that you should be the agent employed in restoring peace and harmony between the two countries. Some other agent unknown to the Mexicans and against whom they have no personal prejudices, would be much more likely to prove successful in accomplishing the object. Whilst, therefore, the President does not intend to censure your conduct, he is clearly of opinion that your services in Mexico can no longer prove useful to your country. He does not recall you, but he directs me to instruct you to inform the government of Mexico (should you not have left the country before this reaches you) that you have obtained leave of absence to return home. After your arrival here, the question may be finally decided whether or not your mission shall terminate.

Upon quitting Mexico, you are authorized to leave the archives, papers, &c. of the Legation in the hands of the American Consul in that City, for safe keeping. If, however, the Consul's exequatur should be withdrawn by the Mexican government and he should be obliged to leave the country, you will then either place them in the custody of some private citizen of the United States resident there in whose possession they may be safe, or bring them home with you as in your judgment may be most expedient under existing circumstances.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO MR. HERR ET AL.[1]

WASHINGTON, 31st March, 1845.

GENTLEMEN: I had the honor of receiving your communication of the 18th instant, censuring the conduct both of General Cameron and of those democratic members of the legislature who, in union with the whigs and native Americans, elected him to the senate; and stating that you deem it proper to afford me, as a Pennsylvanian, an opportunity to express my opinion concerning what you term "this unnatural and unexpected result." Whilst entertaining for you the most profound and grateful respect, I have arrived at the conclusion, after much

[1] Niles' Register, June 28, 1845, vol. 68, p. 264.

reflection, that it would be improper for me, especially since I have become a member of President Polk's cabinet, to criticise or condemn the legislature of a sovereign state, for electing whom they pleased to the senate of the United States. Jealousy of federal interference and federal influence in state elections, ever has been, and I trust ever may be, a prevailing sentiment throughout the democratic party; and if, in the new official position which I now hold, I were to pass sentence upon those democratic members who voted for another democrat, instead of the caucus nominee, I might justly be asked, "who made me a ruler or a judge" in this matter. They are responsible to the sovereign people of their respective districts and counties, and in the hands of their constituents they shall be left, so far as I am concerned. Besides, I might add, that any interference on my part in this delicate question, would inevitably tend further to distract and divide the democratic party of Pennsylvania, at a moment when I am most anxious it should be united in supporting the national and state administrations.

But whilst I refrain from discussing the conduct or impeaching the motives of any of the democratic members of the legislature during the recent senatorial election, I should do myself great injustice if, by my silence, my opinion in regard to the policy of holding legislative caucuses should be misconceived or misinterpreted. Previous to the election both of Dr. Sturgeon and General Cameron, I had uniformly expressed my sentiments in favor of such caucuses, and had even urged many friends to exert their influence with the democratic members to induce them to attend the late caucus. Indeed I am firmly convinced that this is the best mode which experience has ever discovered of preventing individual preferences for men from distracting and dividing the party, and thus endangering the triumph of the great principles of democracy. But this result can only be produced by the will of the sovereign people themselves. Should the extraordinary excitement which you inform me now exists in Pennsylvania, cause our democratic fellow citizens to decree that their legislative servants shall hereafter go into caucus and be bound by its decision fairly made, this excitement will then have resulted in great public benefit. But there is no remedy for the past; and it is true wisdom to submit to that which is inevitable, with the best grace we can,—taking care to draw lessons from it for the regulation of our future conduct.

With sincere regard for you, both individually and as the representative of an honest and enlightened democracy, to whose kindness I am indebted, under Heaven, for any little public consideration I may enjoy, I remain your friend,

JAMES BUCHANAN.[1]

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[1] This letter was addressed to a committee, the members of which seem to have been Benj. Herr, James Cooper, J. P. Sanderson, J. E. Brady, T. D. Cochran, Jas. Kennedy, J. McFarland, Charles Gibbons, Levi Kline, E. Babbitt, and J. C. Kunkel. It appears that on March 14, 1845, the day after the election of Simon Cameron as United States Senator, a meeting was held at Harrisburg of the "Democratic" members of the legislature, at which it was resolved that a committee should be appointed to draft an address to the Democratic party of the State, setting forth the means used to defeat the election on the preceding day of the Democratic nominee for United States Senator. At an adjourned meeting on the 12th of April, at which nine Senators and thirty-eight Representatives were present, Mr. Champneys reported, from the committee appointed under the resolution, an "Address to the Democracy of Pennsylvania," together with a draft of a letter to George M. Dallas and to James Buchanan, calling upon them to condemn "the disorganizing conduct of an individual whose pledges to Whigs and Natives should, and we believe will, sever him from the association and confidence of the Democratic party." This letter, together with a copy of the address, was sent to Mr. Dallas and to Mr. Buchanan by the committee above enumerated. The regular caucus nominee of the Democrats was the Hon. Geo. W. Woodward. The address charged that the election of Mr. Cameron was brought about by a coalition of sixteen Democratic members of the legislature—less than a fourth of the Democratic vote—with the Whigs and Native Americans, as the result of pledges given by him, as to the tariff and other matters, of future political action at variance with Democratic principles. Mr. Dallas, who was then Vice President of the United States, after observing in his reply that it would be improper for him to review, for the purpose of censure, the personal conduct of a member of the body over which he presided, expressed the opinion that it would be "scarcely possible to use language too decisive in condemnation of those who, professing attachment to the political party, by whose suffrages the executive magistrates of both the Union and the State have been recently elected—suddenly, in the scene of their representative action, disclaim the usages, principles and candidates of that party, and form, in order to oppose and defeat it, a coalition with its avowed adversaries." (Niles' Register, June 28, 1845, vol. 68, p. 264.)

TO MR. EVERETT.[1]

No. 1. DEPARTMENT OF STATE,
WASHINGTON, 15th April, 1845.

ALEXANDER H. EVERETT, ESQ.
&c. &c. &c.

SIR:

You are already informed that the President, with the advice and consent of the Senate, has appointed you to represent the United States near His Majesty the Emperor of China, in the character of Commissioner. I am now directed to express to you his desire that you will, with as little delay as your convenience will permit, proceed to enter upon the duties of your mission. Proper arrangements have been made by the Secretary of the Navy for the accommodation of yourself and suite on board the United States ship of the line "Columbus," now in the harbor of New York. This vessel, which will convey you to your post, is now ready for sea, and it is desirable that she should sail for the East Indies about the 25th of the current month.

Mr. Peter Parker, now resident in China, has, as you are already aware, been appointed Secretary and Chinese Interpreter to the United States Mission there, and I have to request that you will deliver to him, on reaching your destination, the packet herewith placed in your hands for that purpose, containing his commission and instructions.

You will receive with these instructions—

Your commission in the character of Commissioner of the United States to China.

A letter of credence to the Emperor, with an office copy thereof—the original to be communicated or delivered to the Sovereign in such manner as may be most agreeable to His Majesty to receive it.

A special passport for yourself and suite.

A letter of credit on Baring, Brothers, & Co., Bankers of the United States at London, authorizing them to pay you a half year's salary on account, on the 1st of July next—and subsequently to honor your drafts for compensation, from time to time, as it becomes due. The President limits the contingent

[1] MSS. Department of State, Instructions, China, I. 24. Mr. Everett, a brother of Edward Everett, was appointed commissioner to China, March 13, 1845. He did not proceed to his post till the autumn of 1846. He died in China, June 28, 1847.

fund of your Legation to seven hundred and fifty dollars, and a credit in your favor, to this amount, is accordingly opened with Baring, Brothers, & Co. You will be careful, however, in making disbursements from it, to conform with the established rules of this Department, as detailed in the printed personal instructions accompanying this letter. Should an appropriation for the payment of your outfit be hereafter made by Congress, you will be duly advised of it by this Department.

A printed list of the Ministers and other Diplomatic and Consular Agents of the United States abroad.

A set of printed personal instructions prescribed by this Department as rules for the government of all the Diplomatic Agents of the United States in foreign countries.

A printed circular establishing a rule respecting salaries of Diplomatic Agents absent from their posts on leave.

A circular letter relative to the form of drafts on the Foreign Intercourse Fund.

Congressional documents for the use of the mission, in addition to those already sent: 11 volumes House Documents—2d Session of the 27th Congress. 16 volumes House and Senate Documents—1st Session of the 28th Congress.

Your compensation, as fixed by law, is at the rate of five thousand dollars per annum. By a general rule the salary commences from the time of the Minister's leaving home to proceed upon his mission, and ceases on his receiving notice or permission to return. In your case it will begin on the 1st of July next; but an early occasion will be taken, when Congress again meets, to recommend the allowance of a proportionate sum in compensation for your services from the 1st of the present month, since which time you have been employed in this City on the business of your mission.

During your residence in China, you may sometimes be applied to, to interpose in behalf of American citizens to obtain satisfaction for claims which they may have on the Chinese Government, or the redress of grievances which they may experience in the course of their dealings and transactions. You will, in all such cases, where the intervention of the Government may be proper according to the public law, afford such official aid as may appear to you likely to be useful, whether you have special instructions from this Department or not.

I am, Sir, respectfully, Your obedient servant,

JAMES BUCHANAN.

TO MR. EVERETT.[1]

No. 2.

A. H. Everett, Esq.
&c. &c. &c.

Department of State,
Washington, 15th April, 1845.

Sir:

Your general duties as Commissioner to China result from the Treaty of peace, amity, and commerce recently concluded between the United States and the Ta Tsing Empire. You will exercise a general superintendence, in the spirit of this Treaty, over the American interests and over our commercial intercourse with the Chinese, at each of the five ports of Canton, Amoy, Fuchow, Ningpo, and Shanghai. It is of the last importance to the success of our trade with this vast Empire, which now presents such bright prospects to our countrymen, that the most favorable impressions shall be made upon the Chinese in the beginning.

Justice, and a strict observance of the faith of treaties, are appreciated by all mankind, whether civilized or savage; and you cannot be too vigilant, both by your authority and influence, in impressing upon our countrymen in that distant region the necessity of regulating their conduct towards the natives by those great principles which bind nations together in bonds of mutual peace and harmony. At the commencement of our intercourse with so jealous and suspicious a People a trifling individual advantage, unfairly obtained, may do essential injury for years to come to the character of our country and its great commercial interests.

Under the Treaty with China, citizens of the United States, charged with the commission of criminal offences in China, are withdrawn from the jurisdiction of that country, and are "subject to be tried and punished only by the Consul or other public functionary of the United States, thereto authorized, according to the laws of the United States." In like manner, all litigated questions arising between American citizens in China, involving the rights of persons or of property, are to "be subject to the jurisdiction" of their own Government; and controversies occurring in that country between American Citizens and the subjects of other Governments, are to "be regulated by treaties existing between the United States and such Governments respectively, without interference on the part of China."

[1] MSS. Department of State, Instructions, China, I. 27.

These are very important concessions to American citizens; but under existing circumstances they may prove very embarrassing to yourself. The exclusive jurisdiction over crimes committed by our citizens in China is transferred by the treaty to the Consul or other public functionary of the United States; but most clearly this jurisdiction cannot be rendered efficient without the action of the legislative power. Congress having omitted, at their last session, to pass any law calling this jurisdiction into action, it cannot be pretended that one of our Consuls at the five ports could try and punish an American citizen for murder or any other crime.

What is then to be done? If an American citizen should be guilty of murder or other high crime against a subject of China, shall he pass unpunished? Independently of the other evil results of such an impunity, nothing would more exasperate the Chinese than to witness such a spectacle. They have agreed by treaty to abandon their summary mode of trying and strangling American citizens and inflicting other arbitrary punishments upon them, and to substitute in its stead a trial and punishment under the laws of the United States; and they never could be made to understand that we had not violated this treaty, if the accused should not be held responsible to the authorities of the United States. It would be in vain to tell them that this arose from an omission of Congress to legislate on the subject. Under these circumstances, should the case unfortunately occur, of an aggravated crime committed against a Chinese by an American citizen, the President directs that you shall send the accused home for trial. You will pursue the same course should such a crime be committed against another American citizen, or the citizen or subject of any other country. It will then remain for the courts of the United States to decide whether, under the treaty, they have jurisdiction over such offences. The President is fully aware of the inconvenience of this course; although he does not perceive what other can be adopted, without endangering the peace or at least seriously injuring the trade between the two countries.

The President will at the commencement of the next Session strongly recommend the necessary legislation to Congress for the purpose of carrying this important branch of the treaty into effect; and in the mean time, he knows that he can confidently rely upon your wisdom and prudence in case you should be placed in the difficult and embarrassing position to which I have ad-

verted. He trusts that the correct and prudent conduct of our citizens in China may prevent the evils which might result from the want of any tribunal in that country competent to try and punish crimes.

It is also indispensable that Congress should confer civil jurisdiction on some tribunal, and regulate its exercise, before the right to try civil causes between American citizens can be exercised in China, in a compulsory manner; and it will doubtless become necessary, in view of the extensive trade which will be conducted by the commercial nations of Christendom with that country, to regulate by treaty the mode of deciding civil controversies arising there between American citizens and the citizens or subjects of other countries.

Your political duties will be of high importance. The vast Empire of China has at last been penetrated by the European race. It can no longer remain isolated from the rest of the world. Whether it will or not, its intercourse with the western nations must go on increasing. It yet clings to its ancient policy of excluding foreigners as much as possible from its limits, and thus repulses the very means most essential to its own peace and security. It is too obvious for argument that the true policy of the Chinese Empire is to receive Ministers at Peking from all the nations of the west who may choose to send them thither. It would thus be brought within the pale of civilized nations, and be placed under the protection of the diplomatic police which watches with jealous eyes over the rights and integrity of the Powers of Christendom. Under this supervision, should any European Power entertain unjust and ambitious designs of aggrandizement or conquest against China, the representatives of other rival Powers would be on the spot, ready to sound the alarm to their respective Governments. And the very knowledge that such must be the result, would probably prevent the attempt from being made.

Besides, China can only defend herself against such attacks by acquiring a knowledge of the military art as it is practiced among the western nations. Without this knowledge, she would be at the mercy of any powerful invader.

I cannot then too strongly urge you, as well for the sake of the commerce of the United States, as for the peace and security of China, to use every honorable effort in your power to impress upon the Government of China a knowledge of this, its true and dangerous condition. It is most probably essential to the preserva-

tion of that Government, under its existing form, that it should receive Ministers at Pekin from all the great Powers of Christendom, and thus become a member of the voluntary confederacy which exists among civilized nations; and if you can reach the Chinese authorities, I feel confident you can convince them of this important truth.

You will embrace every opportunity which may offer to cultivate the good will of the Chinese Government and people. You will assure them that it is both our inclination and our interest that they shall be prosperous and happy;—that we have no ambitious designs to accomplish upon them;—we desire to acquire none of their territory; and the greater and more prosperous they become, the more mutually beneficial to both parties will be the trade between the two countries. Their prosperity will be our good, and whatever tends to impair it our loss. You will furnish them all the political information in your power, together with whatever may promote their progress in arts and in arms. You may, in this manner, gradually lead them to a friendly and confiding reliance upon the United States, and thus promote the commercial prosperity of your own country, whilst at the same time you secure benefits and blessings to China.

Considering the novelty and nature of your mission, it would be difficult to decide what further instructions could be given to you. From your well-known patriotism, ability, and firmness, the President feels entire confidence, that you will be found fully equal to any exigency which may occur throughout your mission; and he knows that you will omit no opportunity of furnishing this Department with all the information in regard to China which may be useful to the Government and People of the United States.

I am, sir,

Very respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO MR. EVERETT.[1]

No. 3. DEPARTMENT OF STATE.
WASHINGTON, 15th April, 1845.

ALEXANDER H. EVERETT, ESQ.
&c. &c. &c.

SIR:

You will receive, herewith, a tin box containing the ratification, by the President, of the Treaty of Peace, Amity, and Navigation, between the United States and the Emperor of China, concluded at Wang Hiya, on the 3d of July, 1844. This ratified copy is intended for exchange against a similar ratification on the part of His Imperial Majesty. A special power authorizing you to perform this act, on the part of the United States, accompanies this letter. I also enclose the form of a certificate, which will serve as a model in preparing a like instrument to be executed in duplicate, by yourself and the Chinese Plenipotentiary, upon the occasion of the exchange of the ratifications of your respective Governments. You will avail yourself of the first opportunity which offers, after the exchange shall have been effected, of an American vessel leaving China for the United States, to transmit to this Department the Imperial ratification of the Treaty.

A full power was, at his request, sent to Mr. Cushing, in August last, to enable him to negotiate a commercial treaty with Japan, should an opportunity arise of effecting such an arrangement. A like authority is now furnished to you for the same purpose.

I am, Sir, with great respect,

Your obedient servant,

JAMES BUCHANAN.

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[1] MSS. Department of State. Instructions, China, I. 34.

TO MR. JENIFER.[1]

No. 22. DEPARTMENT OF STATE,
WASHINGTON, 18th April, 1845.

DANIEL JENIFER, ESQRE.,
etc., etc., Vienna.

SIR:—

You are aware that Congress, at its last Session, reduced the Austrian mission, and that this country will, hereafter, be represented in Austria by a Chargé d'Affaires. In giving official notice of this change, I am directed to apprise you that the President has appointed Mr. William H. Stiles, of Georgia, to succeed you in the capacity just named. I presume that the chief reason which influenced Congress to reduce the mission to one of inferior rank was, that the Imperial Government had not deemed it proper to accredit another Minister Plenipotentiary to the United States since the departure of Baron Mareshal; but has entrusted its interests here to a Chargé d'Affaires. —

It is supposed that your successor will be enabled to reach Vienna by the 30th June,—the day when, according to the late act of Congress, your present office will expire; and it would, therefore, be agreeable to the President, if you could remain there until that period, to deliver to him, personally, the seals and archives of the Legation, and to afford him the benefit of your counsel and experience in entering upon its duties.

I transmit a letter of recall, and an office copy of the same. Upon taking leave of the Austrian Government, you will embrace the occasion to convey to the Emperor the assurance of the desire felt by the President to cultivate and extend the most friendly relations with the Government and people of Austria, and his sincere hope that the reduction in grade of the Diplomatic Agents, representing the two Countries, respectively, may not have the least influence in defeating or postponing the mutual advantages confidently anticipated, at the time those relations were established.

If Mr. Stiles should not arrive by the 30th of June, you will commit the books and other public property to the safe-keeping of some trustworthy American citizen, with directions

[1] MSS. Department of State, Instructions, Austria, I. 36. Mr. Jenifer was at this time envoy extraordinary and minister plenipotentiary to Austria. He took his leave, July 7, 1845.

to hold them subject to the order of the Chargé d'Affaires. Instructions will, accordingly, be given to the Bankers of the United States, at London, to close your credit upon them, for salary, on the 30th of June;—directing them, at the same time, to honor your drafts on account of your return quarter's allowance. And they will be instructed to transfer, on the same day, the credit for the contingent expenses of the Legation, from your account to that of your successor.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO SEÑOR CALDERON DE LA BARCA.[1]

DEPARTMENT OF STATE,
WASHINGTON, 19th April, 1845.

DON A. CALDERON DE LA BARCA,
&c., &c., Spain.

SIR:

I have the honor to acknowledge the receipt of your note of yesterday, in reply to one from this Department, dated the 6th of February last, transmitting a copy of the decision of the late Secretary of the Treasury, upon the case of the Spanish Barque Restauraçion, and other cases of the same class; and to inform you that I have referred the same to the Treasury Department for its consideration.

I have also to acknowledge the receipt of a note from you of the same date, announcing that your Government had thought proper to remit the fees of office heretofore charged in Spain, upon Exequaturs granted to American Consuls; an act regarded by this Government as one of friendly reciprocity.—

I remain, Sir, with high consideration,

Your obedient servant,

JAMES BUCHANAN.

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[1] MSS. Department of State, Notes to Spanish Legation, VI. 122. Señor Angel Calderon de la Barca held the post of envoy extraordinary and minister plenipotentiary of Spain at Washington from Dec. 7, 1835, to Sept. 26, 1839; and of minister resident from Aug. 5, 1844, to Aug. 2, 1853.

TO MR. POLK.[1]

(No. 2.) DEPARTMENT OF STATE,
WASHINGTON, 24th April, 1845.

WILLIAM H. POLK, ESQRE.,
&c., &c., Naples.

SIR:

The Government of the United States has given the strongest evidence of its desire to maintain the most friendly relations with his Sicilian Majesty, by still continuing their mission at Naples, although his Majesty has never accredited any Diplomatic Agent to this country. This want of mutuality in the relations between the two Governments cannot long continue. The usual courtesy observed between independent nations requires that there should be a reciprocity in their diplomatic intercourse; and you may informally communicate to His Sicilian Majesty's Government, that such is the feeling entertained by the President of the United States.

The successive Representatives of the United States at Naples have been instructed, if possible, to negotiate a commercial Treaty with His Sicilian Majesty's Government. Whilst they have pursued this object with diligence, neither of them has ever yet succeeded even in drawing from the Minister of Foreign Affairs a single note upon the subject. All that has transpired between them and him has been informal and unsatisfactory conversations, without any result.

That no obstacle has existed during the last quarter of a century to prevent the Sicilian Government from placing our commercial relations on the same footing with those of England, appears conclusively from the Treaty, signed at London on the 26th September, 1816, between Great Britain and the Two Sicilies. Whilst that Treaty, by its Seventh article, and by the "separate and additional article," of the same date, makes a reduction of ten per cent. from the amount of the duties payable "upon the total of the merchandize or production of the United Kingdom of Great Britain and Ireland, her Colonies, possessions, and dependencies, imported into the States of his said Sicilian Majesty," it expressly provides, "*that nothing in this article shall be construed*

[1] MSS. Department of State, Instructions, Two Sicilies, XIV. 26. Mr. Polk was commissioned chargé d'affaires to the Two Sicilies, March 13, 1845; he left his post about May 1, 1847, and resigned in the United States, Aug. 31, 1847.

to prevent the King of the Two Sicilies from granting, if he shall think proper, the same reduction of duty to other foreign nations." "The same reduction of duty" has been granted to France and Spain; though the commerce of the latter Kingdom, with Naples, is quite insignificant. You will thus perceive that, if an American and a British vessel enter any of the ports of the Two Sicilies together, freighted with similar productions of their respective countries, whilst these American productions are subject to an impost of fifty per cent. ad valorem, those of Great Britain are charged with only forty-five per cent. By some strange mistake, the impression seems heretofore to have prevailed, that His Sicilian Majesty was bound by Treaty in such a manner to Great Britain, France, and Spain, as to preclude him from placing the commerce of the United States on the same level with that of these favored nations. You will be furnished with a copy of the Treaty, and separate additional article, of 1816, together with the Decree of His Sicilian Majesty, to give them effect, extracted from MacGregor's Commercial Tariffs and Regulations, &c., volume second.

It appears from a review of the correspondence of Mr. Boulware—your immediate predecessor—with this Department, that the Governments of Great Britain, and the Two Sicilies, have been for some years engaged in framing a new Commercial Treaty. It was to have been hoped, as well from the early portion of that correspondence, as the enlightened spirit of the age, that Great Britain would no longer have insisted upon the advantage of ten per cent. which she had acquired over the United States by the Treaty of 1816. It would seem, however, from Mr. Boulware's despatch of September 13th, 1843, that the Treaty agreed upon between these two Powers, but not yet ratified, still retains this ten per cent. advantage in favor of British productions imported in British vessels; although, for the rest, it is a reciprocal Treaty, so far as Navigation is concerned. The final execution of this Treaty has been suspended, to await the result of negotiations still pending between the Governments of France and the Two Sicilies, as it seems to be agreed that Great Britain and France shall be placed upon the same footing; and if French diplomacy can obtain greater concessions than those embraced in the Treaty with Great Britain, these are to become common to both the favored nations. Nay, more: if we have a correct understanding on this subject, these pending Treaties, should they be concluded, would affect still more injuriously the inter-

ests of the United States than even the Treaties now in existence. At present, although American productions, imported into the Two Sicilies in American vessels, are subject to the unjust discrimination of ten per cent. in favor of British and French productions, and navigation, yet a reduction of 30 per cent. is now made from the common rate of duties on American productions, when imported in Sicilian vessels. This discrimination, although intended alone to encourage Sicilian Navigation, operates indirectly in favor of our productions when brought into competition with those of a similar character of Great Britain and France. Should the pending Treaties be finally ratified, it is more than probable that we shall be deprived even of this advantage.

In view of these circumstances, you are instructed, at the earliest convenient moment after your arrival in Naples, to remonstrate respectfully, but strongly, in a diplomatic note, against the grant of any privileges to British and French navigation and commerce, in which the United States shall not equally participate; and to ask that our country shall enjoy the same advantages in the ports of the Two Sicilies, whatever they may be, which shall be extended to these two nations. In a separate note, you will respectfully request that the Sicilian Government may exercise its clear right, reserved under its Treaty with Great Britain; and, by a Royal Decree, grant to American commerce and navigation the same privileges which are now extended to those of Great Britain and France.—In making this request, you may state that the President is anxious to receive an answer in time to be presented to Congress at the commencement of its next Session. He trusts, and believes, that this answer will be favorable; but should his confident expectations be disappointed, it will then be for the wisdom of that Body to decide what countervailing discriminations ought, in justice, to be made against the productions of the Two Sicilies, imported into the United States. The ardent desire of the President to cultivate the most friendly relations with the Government of the Two Sicilies, causes him earnestly to hope that, after so long a delay, no necessity may exist to resort to any such commercial retaliation.

The Government of the United States have long desired to conclude a commercial Treaty with the Two Sicilies;—they have been pursuing this object for years with a steady aim, and it is now time that they should know the final decision of the Sicilian Government upon the subject. They sincerely believe that such

a Treaty would be equally beneficial to both Countries. The United States seek no advantages over other nations. All they desire is, a perfect reciprocity in trade. The civilized world is now rapidly advancing towards this great principle; and experience has already demonstrated that its universal prevalence in practice,—so far at least as regards the direct trade,—would be beneficial to all nations. This policy was adopted at an early period by the Government of the United States; and has been developed before the World by the Acts of Congress of March 3d 1815, January 7th 1824, and May 24th 1828.

The first of these Acts offers to all nations to admit their vessels laden with their productions, into the ports of the United States on the payment of the same duties of tonnage and import exacted from our own vessels; provided similar advantages shall be extended by them to American vessels. The Act of 1828 abolishes all restrictions in regard to the origin of the productions imported. Under it, the United States offer to throw wide open their ports to the vessels of all nations, with their cargoes—no matter to what country these cargoes may owe their origin—upon payment of the same duties with our own vessels; provided such nations shall extend similar privileges in their ports, to vessels and cargoes belonging to citizens of the United States.

You are authorised to conclude a Treaty of Commerce and navigation with the Government of the Two Sicilies upon the most liberal principles of reciprocity. It is more than probable, however, that the Sicilian Government would prefer to confine this reciprocity to the direct trade between the two countries, according to the provisions of the Act of March 3d 1815; and with such a Treaty the United States would be entirely satisfied, provided Great Britain and France should be placed in the same position.

You will find models of a reciprocal Treaty of Commerce, for your guidance, in every variety of form, in Elliott's American Diplomatic Code, now in the Library of your Legation. This will furnish you many precedents; as we have either concluded such Treaties, or made commercial arrangements of the same character, through the intervention of Legislation, with almost every civilized nation.

You can urge convincing arguments to the Government of His Sicilian Majesty, that such a Treaty would be highly advantageous to his Kingdom.—Under the blighting influence of existing restrictions, the direct trade between the two countries is

considerably less than it was some years ago; and falls very far short of what it would soon become under a fair reciprocal Treaty. Commerce always flourishes most between Nations whose productions are different; because then they can mutually supply each other's wants. For this very reason, if the existing restrictions were removed, the commerce between the United States and the Two Sicilies must rapidly increase, greatly for the benefit of both nations. We should then export to that country our dried, smoked, and salted fish, our cotton, rice, tobacco, naval stores, and other articles which I might enumerate, and receive in return their silks, wines, olive oil, fruits, Leghorn hats, sulphur, and crude brimstone, with many other Sicilian commodities. It is lamentable to reflect, that a commerce which might be so mutually beneficial is limited to such a comparatively small amount by unwise restrictions. Herewith, you may receive an abstract of this commerce, since the year 1843;—prepared at the Treasury Department.

Great reliance is placed on the zeal, discretion, and ability with which you will devote yourself to accomplish the important objects of your mission; and good hopes are entertained that you will prove successful. I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO MR. DONELSON.[1]

(No. 6.) DEPARTMENT OF STATE.

WASHINGTON, 28 April, 1845.

SIR: Your despatches of March 20th and 24th from New Orleans, of March 28th from Houston and of April 1st and 3d from Washington, have been received;—the two latter on the 21st instant. Ever since the receipt of these, the President has been anxiously awaiting your despatch promised by the next mail after the return of your messenger from Montgomery. Upon its arrival, I shall address you at length, should the information then communicated render this necessary. At present, I shall confine myself to a single point.

It has been conjectured that it might be given out in Texas

[1] MSS. Department of State, Instructions, Texas, I. 118. Published, with a few omissions, in S. Ex. Doc. 1, 29 Cong. 1 Sess. 40; H. Ex. Doc. 2, 29 Cong. 1 Sess. 132.

that Mr. Secretary Smith had been despatched to this City for the purpose of negotiating more favorable terms of annexation than those which you have already proposed to the Texan government; and that the people of Texas might be reconciled to the delay. In order to enable you instantly to remove any such impression, you are authorized unequivocally to declare, that the President will not consent to transfer the negotiation from Texas to this City; and should Mr. Smith make such an offer, it will be promptly but respectfully declined. The question is now before the Executive government and people of Texas; and the President will not agree to change the terms proposed in my despatch of the 10th March last.

But Mr. Smith has not been in this City, nor do we expect him here. We have received information from a respectable source that he intends to sail from Boston for England, on a secret mission, in the Steam Packet of the first of May.

Under these circumstances, I need scarcely urge you to press for immediate action. The Executive Government of Texas ought to be appealed to in the strongest terms for a prompt decision. Delay may result in defeat; and yet I can feel but little apprehension that the sovereign people of Texas,—the conquerors of San Jacinto,—who have breathed the air and lisped the accents of liberty from their infancy, will consent forever to abandon their free, their native land, and sink to the level of dependents on the Monarchy of Great Britain. It is possible that some of the high officers of Texas, supposing that their importance and their emoluments might be lessened by annexation, may prove to be hostile to the measure; but surely the hero of San Jacinto cannot fear that his brilliant star will become less bright by extending the sphere of its influence over all the twenty-nine States of our Federal Union.

With sentiments of the highest regard, I remain,

Yours sincerely,

JAMES BUCHANAN.

TO ANDREW J. DONELSON, ESQUIRE. &c. &c. &c.

TO MR. KING.[1]

(No. 19.) DEPARTMENT OF STATE,
WASHINGTON, 6th May, 1845.

WILLIAM R. KING, ESQRE.,
&c., &c., &c.

SIR: The Senate of the United States having given its constitutional advice and consent to an additional article to the recent convention for the surrender of criminals between the United States of America and His Majesty the King of the French—which additional article was concluded and signed at Washington, on the 24th day of February last, the President has ratified it on the part of the Government of the United States, and I now transmit to you the American ratification, to be exchanged against that of His Majesty the King of the French. You will accordingly, upon the receipt of this despatch, inform His Majesty's Minister for Foreign Affairs, that the additional article has been ratified on our part, and that you are, as you will perceive by the special power which is herewith enclosed, authorized to exchange the ratifications with such person as may be duly empowered for that purpose on the part of the Government of France. No difficulty or delay in this exchange is anticipated; and, as soon as it shall take place, it is desirable that you should forward, without unnecessary delay, the French ratification to the United States.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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[1] MSS. Department of State, Instructions, France, XV. 32. Mr. King was commissioned as envoy extraordinary and minister plenipotentiary to France, April 9, 1844. He took his leave, Sept. 15, 1846.

TO MR. IRVING.[1]

(No. 43.) DEPARTMENT OF STATE, WASHINGTON,
May 9th, 1845.

WASHINGTON IRVING, ESQRE.,
&c., &c., Madrid.

SIR: On the 8th day of October last, the Supreme Authorities of Cuba issued a decree—a copy of which, in translation, is, herewith, transmitted to you—authorising the importation, duty free, of lumber and other articles necessary for building, and of corn, corn flour, beans, Irish potatoes and rice.—This decree, by its terms, was to continue in force during six months from its date. It was dictated, as you will perceive, by a desire to relieve the distress of those who had suffered by the dreadful hurricane which the city and environs of Havanna had then just experienced. No citizen of the United States could have supposed that the operation of a decree so humane and so politic, would be arrested by the Home Government, before the brief period had elapsed to which it was limited; and this, more especially, after the confident conviction, expressed on the face of the decree itself, that Her Majesty would give it her approbation.

On the faith of this decree, our Merchants, with a laudable promptitude, imported into Havanna the materials for rebuilding the houses of the suffering people, and the flour, rice, &c., necessary for their subsistence. Whilst this trade was in full progress, the decree itself was annulled, without one moment's previous notice, on the 20th February, 1845, by the promulgation of the fact that Her Majesty had refused to give it her sanction, and that the former duties must, thenceforward, be levied.

Many heavy shipments had been made in the United States, of the articles embraced by the decree, under the confident belief that it would continue in force until the seventh day of April; and you may judge of the disappointment with which the information of its repeal must have been received by the masters of those vessels, upon arriving at Havanna after the 20th February. Severe losses were the inevitable consequence; and these ought, in justice, to be borne by the Spanish Government, which has

[1] MSS. Department of State, Instructions, Spain, XIV. 187; H. Ex. Doc. 86, 32 Cong. 2 Sess. 165–166. Mr. Irving was commissioned envoy extraordinary and minister plenipotentiary to Spain, Feb. 10, 1842. He took his leave, July 29, 1846.

received heavy duties on the articles that ought to have been admitted free.

It would be a vain labor to enlarge upon the injustice of annulling this decree without any previous notice, and its violation of the commercial usages prevailing among enlightened nations. In the opinion of the President, those of our fellow-citizens who imported any of the articles embraced by the decree, into Havanna, between the 20th February and the 7th April, 1845, without any knowledge at the time of their departure from the United States that the decree had been annulled,—are entitled to be indemnified by the Spanish Government for the losses which they may have sustained. Without stating, specifically, what ought to be the measure of this indemnity, it would seem reasonable that, at the very least, the duties actually received upon the importation of these cargoes, ought to be refunded by the Spanish Government.

I transmit, herewith, a copy of a communication from Mr. Campbell, the Consul of the United States, at Havanna, to the Count de Villanueva, Intendente of Cuba, dated on the day the fact of the Queen's reversal of the decree was made public,—solemnly protesting against the proceeding; and a copy of the reply which His Excellency thought proper to make on the occasion. I transmit, also, copy of a Memorial from the Charleston Chamber of Commerce, and translation of the decree of 7th October, with copies of other papers relating to the same subject.

With the motives and policy of Her Majesty, in reversing a decree dictated by humanity, and apparently by the best colonial interests of Spain,—this Government has nothing to do; but it has a deep concern in everything which affects the safety of the commercial intercourse between the two countries;—and in submitting the facts, here presented, for the consideration of Her Majesty's Government, you are instructed to express to the Minister of Foreign Relations, the confidence felt by your own Government, that prompt and effectual measures will be taken, to repair the wrong which has been done to citizens of the United States.

Your despatches to No. 62, inclusive, have been received.

I am, Sir, respectfully, Your obedient servant,

JAMES BUCHANAN.

TO MR. EVERETT.[1]

(No. 130.) DEPARTMENT OF STATE,
WASHINGTON, 10th May, 1845.

EDWARD EVERETT, ESQRE.,
&c., &c., &c.

SIR: I have the honor to transmit to you, herewith, two petitions in behalf of Norman Mallory, an American citizen now imprisoned at Van Diemen's Land for having been engaged in the revolutionary movements in Canada in the year 1838; and to request your good offices in promoting the object of the petitioners.

I am, Sir, respectfully,
Your obedient servant,
JAMES BUCHANAN.

TO MR. TODD.[2]

(No. 22.) DEPARTMENT OF STATE,
WASHINGTON, 12th May, 1845.

CHARLES S. TODD, ESQRE.,
&c., &c., &c.

SIR:

I have the honor to acknowledge the receipt of your despatch No. 52, of the 31st March last. That portion of it stating "that the article of crushed sugars, heretofore prohibited, will be admitted from England to the port of St. Petersburg, during the season for navigation on the Baltic, for 1845," deserves your particular attention. The Russian Government is remarkable for the fidelity with which it observes treaties; and I therefore entertain no doubt but that crushed sugar imported into St. Petersburg in American vessels will be admitted on the same terms as that imported from England in British vessels. The eleventh article of our existing treaty with Russia is so clear and explicit on this subject as to leave no room for doubt. It provides that

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[1] MSS. Department of State, Instructions, Great Britain, XV. 254. Mr. Everett was commissioned envoy extraordinary and minister plenipotentiary to Great Britain, Sept. 13, 1841. He took his leave, Aug. 8, 1845.

[2] MSS. Department of State, Instructions, Russia, XIV. 68. Mr. Todd was commissioned envoy extraordinary and minister plenipotentiary to Russia, Aug. 27, 1841, and took his leave, Jan. 27, 1846.

"If either party shall, hereafter, grant to any other Nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other Nation, or on yielding the same compensation, when the grant is conditional."

Awaiting the answer which Count Nesselrode promised to give your enquiry in regard to the subject, and expecting to receive it from you within a brief period,

I remain, Sir, with great respect,

Your obedient servant,

JAMES BUCHANAN.

TO MR. RAYMOND.[1]

DEPARTMENT OF STATE,
WASHINGTON, 19th May, 1845.

To C. H. RAYMOND, ESQUIRE,
&c. &c. &c.

The Undersigned, Secretary of State of the United States, has had the honor to receive the note of Mr. Raymond, Chargé d'Affaires ad interim of the Republic of Texas, announcing that the President of that Republic had accepted his resignation and had granted him permission to return home.

If Mr. Raymond has received any acts of courtesy in his official intercourse with the Undersigned, he may be assured that they have been richly merited. His conduct during his mission has deserved and obtained the cordial approbation of the President of the United States, whilst he has uniformly performed his duty in asserting and maintaining the rights and interests of Texas. The Undersigned feels the less regret in taking leave of him, from the agreeable anticipation that the reunion of the two republics is near at hand and that ere long they will both be fellow citizens of one great country.

The Undersigned avails himself of this occasion to offer to Mr. Raymond the assurance of his distinguished consideration.

JAMES BUCHANAN.

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[1] MSS. Department of State, Notes to Texas Legation, VI. 81.

TO MR. DONELSON.[1]

(No. 7.) DEPARTMENT OF STATE,
WASHINGTON, 23 May, 1845.

SIR: I have to acknowledge the receipt of your despatches Nos. 17, 18, 19, 20, and 21, and your letter from Galveston of the 6th of this month.

Anticipating the receipt of the note to be addressed to you by the Acting Secretary of State of Texas to which your letter of the 6th instant refers, I shall proceed to present you the views of the President on the subject to which it relates. You state its substance to be "an earnest expression of the wish of the Government of Texas, that as soon as their assent is given to the terms contained in the Joint Resolution for their admission as a State, the troops of the United States may be marched to some suitable point on the Western frontier for the purpose of guarding the inhabitants from Mexican or Indian incursion," and of being employed within the territory of Texas for this purpose, should occasion require.

I am instructed by the President to inform you that, as soon as the Existing Government and the Convention of Texas shall have accepted the terms proposed to them in the two first sections of the "Joint Resolution for annexing Texas to the United States," he will then consider it to be both his right and his duty to employ the army in defending that State against the attacks of any foreign Power. This shall be done promptly and efficiently, should any emergency render it necessary. In order to be prepared for such a contingency, a force of three thousand men shall immediately be placed upon the border, prepared to enter Texas and to act without a moment's delay. It would be the most crying injustice towards the people of Texas for the United States to stand by and refuse to extend a helping hand to sustain them against an invasion brought upon them by their free determination to annex their own glorious Republic to the American Union, in compliance with a solemn Resolution of Congress.

It would be useless to inquire what would be the precise condition of Texas during the intermediate period, after she shall have accepted the terms of the Joint Resolution, but before her

[1] MSS. Department of State, Instructions, Texas, I. 119; S. Ex. Doc. 1, 29 Cong. 1 Sess. 40–41; H. Ex. Doc. 2, 29 Cong. 1 Sess. 133.

actual admission into the Union. In many respects she will be in a position similar to that occupied by Mississippi, Illinois and other States, after they had complied with the previous conditions required by Acts of Congress, but before they had been formally received into the family of States. Like them, Texas will then have conformed to every preliminary requisition of Congress; and like them, Texas, in execution of the public faith, will be admitted as a matter of course by the passage of a brief Bill for that purpose, with a preamble reciting the facts which render this inevitable. That no obstacle can prevent this happy consummation, is as certain as that Congress have never yet violated any of their engagements.

Under these circumstances, Texas, before her formal admission into the Union, will, in the opinion of the President, have become in fact one of our States, at least in such a degree as to render it obligatory on him to defend her against foreign invasion.

I am, Sir, very respectfully, your obedient servant,

JAMES BUCHANAN.

To A. J. DONELSON, ESQUIRE, &c. &c. &c.

TO MR. BRENT.[1]

No. 9. DEPARTMENT OF STATE,
WASHINGTON, 26th May, 1845.

To WILLIAM BRENT, JR., ESQUIRE,
etc. etc. etc.

SIR:

I have to acknowledge the receipt of your despatch of the 28th of January, last, with the accompanying papers relative to the strict blockade of Monte Video by the naval forces of Buenos Ayres. The conduct which you have pursued and the sentiments which you express, in regard to that measure, are approved by the President. The determination of the French Admiral forcibly to violate the blockade and thus to abandon his neutral position, was an example not to be followed by our government in any case, and this more especially towards a feeble sister Republic

[1] MSS. Department of State, Instructions, Argentine Republic, XV. 17. William Brent, Jr., of Virginia, was commissioned chargé d'affaires to the Argentine Confederation, June 14, 1844. He took his leave, July 6, 1846.

upon our own continent. Should the strict blockade be persisted in, you will take care that it shall be conducted on the established principles of public law and in such manner as to inflict as little injury on American commerce as possible. The Government of Buenos Ayres will doubtless see the policy as well as justice of pursuing this course.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO MR. WALKER.[1]

DEPARTMENT OF STATE.

HON. R. J. WALKER WASHINGTON May 26 1845.
Secretary of the Treasury.

SIR.

I have the honor to inform you that the negotiations of Mr. Donelson, the Chargé d'Affaires of the United States to Texas, with the Government of that Republic relative to the exaction of Tonnage duties upon vessels of the United States at Sabine, have resulted in an order to the Collector of Customs there, to discontinue the exaction. Mr. Donelson has sent to this Department a copy of the Order, a transcript of which is herewith communicated.

I am &c. &c. JAMES BUCHANAN.

TO THE CHEVALIER GEVERS.[2]

DEPARTMENT OF STATE.

THE CHEVALIER GEVERS, WASHINGTON, 27th May, 1845.
&c., &c., &c.

SIR:

I have the honor to acknowledge the receipt of your note of the 21st instant, announcing your appointment as Minister Resident near the Courts of Baden, Bavaria, and Wurtemburg.

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[1] MSS. Department of State, 35 Domestic Letters, 205.

[2] MSS. Department of State, Notes to the Netherlands Legation, VI. 41. Chevalier J. C. Gevers was chargé d'affaires of the Netherlands, at Washington, from November, 1842, to July 20, 1845. He held the post of envoy extraordinary and minister plenipotentiary of the Netherlands, at Washington, from about July 10, 1854, to Nov. 17, 1855.

and stating that the Chevalier F. M. W. Testa, whose arrival in this country is expected in the course of the approaching summer, will succeed you, as Chargé d'Affaires of His Majesty the King of the Netherlands, in the United States.

This information, so far as it regards your advancement, is a source of much gratification to me; and I tender you my cordial congratulations on this new manifestation of His Majesty's confidence. Whilst I reciprocate the friendly sentiments expressed by you towards the authorities of this Government, I embrace the opportunity of expressing to you their entire approbation of your conduct during your residence in this city.

You have been ever watchful over the interests of your own Government; but yet have never been unmindful of the respect due to the Government of the United States.

Be pleased, Sir, to accept the assurance of my high and distinguished consideration.

JAMES BUCHANAN.

TO THE PRESIDENT.[1]

DEPARTMENT OF STATE,
WASHINGTON 28th May 1845.

TO THE PRESIDENT OF THE UNITED STATES.

The Secretary of State, to whom has been referred the petition of John Baldwin,[2] a claimant under the Convention with the Mexican Government of the 30th of January, 1843, has the honor to lay before the President an extract from a despatch of Mr. Shannon to Mr. Calhoun of the 21st of September last, a translation of the note of Mr. Rejon, the Mexican Minister for Foreign Affairs, to Mr. Shannon therein referred to, extracts from two letters of Mr. B. E. Green to Mr. Calhoun, one dated the 17th of December and the other the 25th of January, last, and an extract from the Act of Congress approved the 3rd of March, last, entitled an Act making appropriation for the civil and diplomatic expenses of the Government &c.[3] These papers

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[1] MSS. Department of State, Report Book, VI. 162.

[2] As to the case of Dr. John Baldwin, see Moore, International Arbitrations, IV. 3235–3240.

[3] This act (5 Stat. 705) appropriated $275,000 to pay the instalments due from Mexico, April and July, 1844, unless it should be found that the money had been paid to the agent of the United States and that he was delinquent in transmitting the money to the United States.

contain all the information in the possession of this Department relative to the supposed payment by the Mexican Government of the instalments under the Convention referred to, which were due on the 30th of April and the 30th of July, 1844.

It appears that the note of Mr. Rejon to Mr. Shannon bears date the 2nd of September, last, and states that he had been informed by the Minister of Finance in a note of the 27th of August, that the instalments due on the 30th of April and 30th of July had been paid to the agent appointed by the Government of the United States.[1] The Minister of Finance apologizes for his delay in communicating this information to Mr. Rejon on account of the vast business of that department.

Mr. Shannon, in his despatch to Mr. Calhoun, instead of communicating the information contained in Mr. Rejon's note simply as he had received it, states the fact absolutely as upon his own knowledge that the instalments had been paid on the 27th of August, when it is manifest that this date does not relate to the time of payment, but is merely the date of the note of the Minister of Finance to Mr. Rejon. It is presumed that the official notice of the payment published in the Madisonian to which Mr. Baldwin refers, was based upon the information contained in Mr. Shannon's despatch. It will consequently be for the President to determine whether, under the circumstances, the proof of the payment by the Mexican Government of the instalment in question is sufficient to warrant the payment by this Government to the claimants, pursuant to the Act of Congress of the 3rd of March last.[2] Agreeably to the President's direction Mr. Baldwin's petition is herewith returned.

All which is respectfully submitted.

JAMES BUCHANAN.

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[1] As to the non-payment of these instalments, see Moore, International Arbitrations, II. 1246.

[2] See Mr. Buchanan to Mr. Hoffman, June 13, 1845, infra.

TO GENERAL ALVEAR.[1]

DEPARTMENT OF STATE,
WASHINGTON, May 29, 1845.

SIR:

I have the honor to acknowledge the receipt of your several communications to this Department of the 27th of March, the 13th ultimo, and 17th instant, upon the subject of the seizure of the squadron of the Argentine Confederation engaged in blockading Monte Video, by Captain Voorhees, in command of the United States Frigate CONGRESS. This Department having requested of the Secretary of the Navy official information as to the proceedings determined upon against Captain Voorhees, I have the honor to transmit a copy of the reply of Mr. Bancroft and of the charge and specifications which accompanied it.

I avail myself of this occasion to offer you renewed assurances of my very distinguished consideration.

JAMES BUCHANAN.

TO THE BRIGADIER GENERAL DON CARLOS DE ALVEAR.
&c. &c. &c.

TO MR. DONELSON.[2]

(No. 8.) DEPARTMENT OF STATE,
WASHINGTON, 3 June, 1845.

SIR: Your despatches to No. 25, inclusive, have been received.

In answer to your request for leave of absence after the Congress of Texas shall have accepted the propositions of the United States for annexation, I am instructed by the President to say, that although he feels the strongest desire to gratify your wishes, he cannot grant you this permission. Public considerations of paramount importance require, in his opinion, that you

[1] MSS. Department of State, Notes to Argentine Republic, VI. 16. General Carlos Maria de Alvear was minister plenipotentiary from the republic of Buenos Ayres, at Washington, from Oct. 9, 1824, till the 21st of that month, when he retired. Oct. 11, 1838, he presented credentials as minister plenipotentiary and extraordinary from the Argentine Confederation. As to the incident here referred to, see Moore's Digest of International Law, I. 178–182.

[2] MSS. Department of State, Instructions, Texas, I. 121; S. Ex. Doc. 1, 29 Cong. 1 Sess. 41; H. Ex. Doc. 2, 29 Cong. 1 Sess. 134.

should remain in Texas at least until the final adjournment of the Convention. The public interests at stake in the proceedings of that body are so vast, that nothing ought to be left to accident; and your presence may be necessary to prevent or remove difficulties which may suddenly arise and cannot now be anticipated. Your conduct, throughout your negotiations, has received his cordial approbation, and he is unwilling that the country should be deprived of your services in Texas until the question shall have been finally settled.

It is unnecessary for me to address you on the subject of the note of Mr. Allen to yourself under date of the 19th of May or your answer to it of the 24th, as my despatch to you of the 23d ultimo covers the whole ground.

The President entirely concurs in opinion with you that the United States should avoid even the least appearance of interference with the free action of the people of Texas on the question of annexation. This is necessary to give its full effect to one of the grandest moral spectacles which has ever been presented to mankind, and to convince the world that we would not, if we could, influence their decision except by fair argument. We desire that our conduct shall be in perfect contrast to that pursued by the British Chargé d'Affaires to Texas in reference to the question of annexation.

The same feeling actuates the President in relation to Mexico. The government will studiously refrain from all acts of hostility towards that Republic unless these should become absolutely necessary in self-defense. Orders have been transmitted to Captain Stockton in accordance with this declaration.

And may we not hope that the people of Texas, whose history has been so brief but yet so distinguished, will conduct all their proceedings in such a peaceful and orderly manner as to add an enduring civic crown to the military wreath which they have achieved, and to convince all mankind that a free and enlightened people are the best and wisest arbiters of their own destiny?

I am, Sir, very respectfully, Your obedient servant,

JAMES BUCHANAN.

To A. J. DONELSON, ESQUIRE, &c. &c. &c.

TO MR. HOPKINS.[1]

DEPARTMENT OF STATE,
WASHINGTON, 10th June, 1845.

To EDWARD A. HOPKINS, ESQUIRE,
&c. &c. &c.

SIR:

The President of the United States having appointed you Special Agent to Paraguay, you are instructed to proceed, as soon as possible, by the most expeditious practicable route to Assumption, the Capital of that Republic.

This interesting country has not hitherto received that portion of attention from the Government of the United States which its importance demands. We must now endeavor, by vigor and activity, to repair what we may have lost by delay. You will perceive by the enclosed copies of despatches from Amory Edwards, Esquire, our late Consul at Buenos Ayres, and from Commodore Turner, how anxious the Government of Paraguay has been to form the most friendly relations with the United States. The President of that Republic has manifested his anxiety that we should acknowledge its independence and recognize it as a member of the family of nations.

Indeed, its Government has gone so far as to express the desire to be on terms of more intimate friendship with us than with any other nation.

These cordial advances of the Government of Paraguay, the last of which seems to have been made to Commodore Turner in November, 1843, through Señor Gil, their Minister Plenipotentiary at Buenos Ayres, have not, from peculiar circumstances, received the attention which they deserved.

On your arrival at Assumption, you are instructed to assure the President of Paraguay of the deep interest which the American Government feels in the success and prosperity of his country. This new and free Republic which has risen up within a few years on the face of the American continent and has asserted its rights to an independent existence, cannot fail deeply to enlist the sympathies of the American people. Whilst expressing these sentiments, you may inform him that the United States seek no commercial advantages in their intercourse with other

[1] MSS. Department of State, Special Missions, I. 218. Mr. Hopkins returned to Washington, June 7, 1846. As to his subsequent relations with Paraguay, see Moore, International Arbitrations, II. 1485 et seq.

nations. Their policy in this respect has been to follow the golden rule of doing unto others as they would others should do unto them. They offer to all nations equal and reciprocal advantages in trade, and all their commercial treaties rest upon this basis. They admit foreign vessels with their cargoes of whatever they may be composed, into the ports of the United States upon the same terms with their own vessels, provided the nations to which these vessels belong are willing to extend similar privileges to American vessels. Should a treaty of commerce be formed between Paraguay and the United States, which we trust may ere long be the case, it will be founded upon these liberal principles.

You will embrace some suitable opportunity to warn the government of Paraguay of the danger of forming entangling alliances with other nations or conferring commercial advantages upon one nation at the expense of the rest. You might instruct it as to what has been the policy of the United States in this particular, and the happy effects which have resulted therefrom. By pursuing a similar course, Paraguay will make friends of all nations, instead of exciting the jealousy of all against her except the favored nation.

The President is desirous of obtaining authentic information as to the nature of the claim of Buenos Ayres to embrace Paraguay within the Argentine Republic, as well as to the exclusive navigation of the La Plata. Is it the intention of that government after Paraguay has enjoyed actual independence, during so long a period, under the Dictatorship of Doctor Francia and under its existing government, to attempt to reduce it to a state of dependence on the Argentine Confederation? Is it the purpose of Buenos Ayres to exclude the rest of the world from all commercial intercourse with Paraguay? You may assure the authorities of Paraguay, that the Government of the United States, should this become necessary, will freely interpose its good offices with that of Buenos Ayres to induce it to open that great river to the trade of other nations.

Señor Gil, as you will perceive, informed Mr. Edwards that a Congress of deputies was then, (March 1843) in session at the City of Assumption for the purpose of forming a Constitution. This Department has never yet learned whether such a Constitution has been framed and adopted by the people of that Republic. You will furnish the Department with a copy of any such Constitution, should it exist, and inform us in what manner

the government of Paraguay is administered under it. Should that government have proceeded in regular order, maintaining the rights and performing the duties of an Independent Power, more especially should it have been treated as such by the surrounding nations, the President will not fail to recommend to Congress at its next session the recognition of its independence. Should it have acquired, in your opinion, the firmness and consistency of an independent nation, you might suggest that the President would be pleased to see a diplomatic agent from Paraguay in the United States on the meeting of Congress in December, next; and that he entertains not the least doubt but that its independence would be speedily recognized by that enlightened Body. The President would then be prepared to enter into commercial arrangements with Paraguay on the most liberal terms.

But before you commit the President on the question of the recognition of the independence of Paraguay, you must be well satisfied, after having with prudence and perseverance acquired all the information in your power, that Paraguay is in fact an independent nation and is capable of maintaining her independence.

You will also direct your inquiries to the following points.

1. The character of the people of Paraguay; the degree of intelligence among them, whether they are fitted for Republican Government and whether they support the existing government with unanimity and a determination to maintain their independence.

2. The aggregate population of the country, and the force which they can bring into the field, whether regulars or militia.

3. The proportion of European, Indian and mixed races existing in the population.

4. The names and character of the principal persons in the Executive, Legislative and Judicial Departments of the Government.

5. The financial system and resources of the Republic; the amount and nature of its commerce with foreign nations; its productions which might with advantage be imported into the United States, and the productions of the United States which it would receive in exchange.

The President will be much pleased if without confining yourself to the foregoing inquiries you will devote yourself with energy and industry to the acquisition of all the information concerning Paraguay which you know would be interesting to our

country at the present moment, and communicate with this Department as often as suitable opportunities may offer.

When at Rio de Janeiro, you will consult freely with Mr. Wise on the subject of your mission, who will doubtless cheerfully give you all the information in his power which may tend to promote its success. One copy of your instructions will be transmitted to him for his own use and another for that of Mr. Brent.

The industry and zeal which you have manifested in collecting information on the subject and presenting it before the President, have mainly caused your selection for this mission. Notwithstanding you are younger than most of those to whom such trusts have been confided, he is willing to repose confidence in your ability and discretion. I doubt not your conduct will justify this confidence. Your success may depend upon your perfect control over your temper, under all circumstances, and upon your prudence in abstaining from the least intimation that you are a government agent, unless when this shall be clearly necessary to accomplish the objects of your mission.

Your compensation will be at the rate of six dollars per day from the time of your departure on the business of your mission, until your return, and you will be allowed your travelling and other expenses during your absence, for which you will take vouchers when they may be obtained. The sum of one thousand dollars is advanced to you on account.

I am, Sir, respectfully.

Your obedient servant,

JAMES BUCHANAN.

TO MR. HOFFMAN.[1]

DEPARTMENT OF STATE,
WASHINGTON 13 June 1845.

DAVID HOFFMAN ESQRE.
Philadelphia.

SIR.

I have to acknowledge the receipt of your letter of the 4th inst., upon the subject of the claims of the citizens of the United States against the Mexican Government, and to inform you, that its suggestions have been taken into respectful consideration.

[1] MSS. Department of State, 35 Domestic Letters, 222.

The President, at an early period after his inauguration, adopted measures to ascertain the true state of the case, in relation to the payment of the April and July instalments of the Mexican indemnity. It is his sincere desire to do justice between the Government & the claimants, & he will most cheerfully direct the latter to be paid, the moment the evidence received will justify such a measure. From the information now in his possession, however, it is impossible for him to say in the language of the law that it has been "ascertained to the satisfaction of the American Government, that said instalments have been paid by the Mexican Government to the Agent appointed by the United States to receive the same, in such manner as to discharge all claim, on the Mexican Government, and said agent to be delinquent in remitting the money to the United States."

It is to be hoped that Mr. Shannon, who is now daily expected home, will, on his arrival in this country, be able to clear up the mystery which still involves this transaction.

I am &c.

JAMES BUCHANAN.

TO MR. PETTIT.[1]

DEPARTMENT OF STATE,
WASHINGTON June 13th 1845.

THOMAS M. PETTIT ESQR.
U. S. Dist. Attorney,
Philadelphia.

SIR,

From information received at this Department from George Wm. Gordon Esqr. U. S. Consul at Rio de Janeiro, it is believed, that George H. Douglass late Captain of the Brig "Kentucky" has violated the Laws of the United States for the suppression of the Foreign Slave Trade, and as it appears from a Despatch this day received from G. T. Snow Esqr. U. S. Consul at Pernambuco, dated May 10th 1845, that the said Douglass had arrived at that port, and taken passage in the Brig "Echo" to sail on the same day for Philadelphia—I have to request, should the said Brig have arrived & Captain Douglass be now within your District, that you will cause the proper measures to be taken to secure his arrest.

[1] MSS. Department of State, Despatches to Consuls, XI. 382.

Mr. Gordon states in a despatch dated 29th April, that the Witnesses against Captain Douglass will be embarked in the Brig "Porpoise" to leave Rio de Janeiro in eight or ten days for Portland, Maine. Their arrival may be daily expected, & if successful in arresting Capt. Douglass, it would be proper for you to communicate with Augustine Haines Esqr. U. S. District Attorney for the District of Maine, as to the best means of securing their attendance when the case comes on for trial.

I am Sir &c.

JAMES BUCHANAN.

TO MR. DONELSON.[1]

(No. 9.) DEPARTMENT OF STATE,

WASHINGTON, 15th June, 1845.

SIR: Your despatches Nos. 26 and 27 have been received.

It appears from them that Mexico has already seven thousand troops on the Rio Grande,—that Captain Elliott has declared to many of the citizens of Texas "that a rejection of the proposals now offered by him for the independence of Texas will be followed immediately by an invasion from Mexico;" and "that as soon as he is informed that he cannot defeat annexation, he will be apt to find means of conveying secret intelligence to the commander of the Mexican troops on the Rio Grande, who it is reasonable to conclude will be prepared at once to resume the war upon Texas." You, also, express the opinion that "a war with Mexico is inevitable."

Under these circumstances, you very properly ask the question, "should Mexico take possession of the country between the Nueces and the Rio Grande, or come still further East within the Texan Territory, before a Convention can express the requisite ratification of our proposals, are the United States to stand still and see the country thus invaded without interposing protection?"

In answer to this important question, I shall proceed to present to you the views of the President upon the subject.

There are many reasons why it is preferable that Texas should drive the intruders from her territory until after the

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[1] MSS. Department of State, Instructions, Texas, I. 123. Printed, with the omission of only one sentence, in S. Ex. Doc. 1, 29 Cong. 1 Sess. 42; H. Ex. Doc. 2, 29 Cong. 1 Sess. 134.

Convention shall have accepted the terms of our Joint Resolution. Of her ability and her will to perform this service, no man acquainted with her history can doubt. Her citizens are brave, they can endure the climate at this hot season of the year, and it will redound to their glory to ask no aid in defending her territory until this duty shall clearly devolve upon the United States. Besides, it is impossible that our troops can now reach the scene of action in time to render her any assistance in expelling the intruders before the 4th of July, the day of the meeting of the Convention. The expenses of such an expedition must eventually be borne by the United States. If an attempt should be made to dismember the territory of Texas as it existed when the Joint Resolution for annexation passed Congress, at the moment when her people and authorities are deliberating upon these proposals, most certainly the strongest obligation would be imposed upon the American Congress to indemnify her for the charges of repelling the invasion. In performing this duty, she will be acting for the benefit of our whole country and preserving her territory in the same condition it was in when we offered to receive her into the American Union. The President cannot doubt for a moment but that after annexation, the troops employed in this service will be placed upon precisely the same footing as troops would be who had been regularly called out under the authority of the Act of Congress to repel an invasion of any of the existing States.

Should the Congress of Texas consent to the terms of annexation, and the Convention be prevented from holding its session on the fourth of July, or be afterwards disturbed in its peaceful deliberations by an actual invasion of their territory by Mexico:—in either event, the President would feel himself bound at once to repel such an invasion. An unanimous or nearly an unanimous vote of her Congress in favor of annexation would afford conclusive evidence that the people of Texas are anxious for the reünion of the two Republics. Under such circumstances, it would degrade the character of the United States to suffer this great measure to be defeated against the will of the people of both countries, by the machinations of foreign Governments and the control they exercise over Mexico. The moment that the Convention of Texas shall ratify the terms of annexation, the substantial engagements of both parties will then have been completed; and nothing would remain to be done but her mere formal admission as a State into the Union, in

obedience to these solemn engagements. Now if the will of the people of Texas should be rendered manifest by the vote of her Congress, and a Mexican invasion, instigated by foreign nations for the express purpose of defeating annexation, should prevent the Convention from assembling or disturb it afterwards in its peaceful deliberations, the President would have had no difficulty in acting as he would have done had the Convention been permitted to assemble and adopt our Joint Resolution and in ordering the troops of the United States to repel such an invasion. This contingency the President trusts, however, may not occur; and if it should, the Convention ought to meet at the earliest practicable moment and proceed to ratify the Resolutions of our Congress and adopt a Constitution.

The President will immediately send an express to General Taylor, the commanding officer at Fort Jesup, with an order to him from the Secretary of War to march the troops collected at that post to the Sabine. There shall be as little delay as possible in this movement. The moment that the Convention of Texas shall have accepted and ratified the terms of annexation proposed by the American Congress, the President, for the purposes of defense, will consider her territory as belonging to the United States. You are, therefore, hereby authorized in that event forthwith to send an express to our commanding officer on the Sabine communicating to him the information, and he will be directed to move to such points as yourself and the authorities of Texas shall deem most expedient. Captain Stockton will be ordered with the fleet now under his command (and other vessels of war will be attached to it) to repair to the mouth of the Sabine for the purpose of transporting the American troops to the positions where they shall, in your opinion and that of these authorities, be most required.

Similar orders will be issued both to our commanding officer on the Sabine and to Captain Stockton, to be executed in case the Convention shall be prevented from assembling or be disturbed in its peaceful deliberations by a Mexican invasion, after the Texan Congress shall have accepted the terms of annexation proposed by the American Congress.

I herewith transmit to you copies of orders just received and this day issued by the Navy Department to Commodore R. F. Stockton, commanding the squadron off Galvezton, and of orders from the War Department to Brigadier General Z. Taylor, commanding the first Department at Fort Jesup.

I also transmit copies of orders dated to-day and this moment received from the Treasury Department to Captains Foster and Prince of the United States revenue marine.

I regret that I have not time before the departure of the messenger, to express to you as I could desire, the feelings of indignation which the conduct of Captain Elliott has excited throughout this country. These are not confined to any party, but pervade the whole community. One of its good effects has been to render us, to a very great extent, an united people on the question of annexation. It is scarcely possible that his conduct can be approved by his government. Without entering upon the inquiry how far the British government had a right to interfere in preventing the people of Texas from consenting to annexation, no impartial man can doubt but that Captain Elliott in his efforts has transcended all reasonable bounds. To assume the character of a secret negotiator of the government of Texas with Mexico, in a hostile spirit towards the United States; to conceal his agency in this matter by pretending that he had left Galvezton for Charleston, when his destination was Vera Cruz; and then to prevail upon Mexico to consent to the independence of Texas on condition that Texas should never annex herself to the United States; these acts taken together are at war with all the modern usages of diplomacy and with the character of the British government, which is generally bold and frank if not always just in its policy towards foreign nations. He has not even for a moment succeeded in his efforts at concealment, and he will find that his transparent cunning will only tend to make him ridiculous. But what is far worse on his part, by obtaining the consent of Mexico to the independence of Texas, he has deprived that power of the only miserable pretext which it had for a war against the United States, whilst he has fomented among the Mexican people a spirit of hostility against us which may plunge that ill-fated country into such a war.

I am, Sir, very respectfully, Your obedient servant,

JAMES BUCHANAN.

To A. J. DONELSON, ESQUIRE &c. &c. &c.

TO MR. BIDLACK.[1]

(No. 2.) DEPARTMENT OF STATE,
WASHINGTON, 23d June, 1845.

To BENJAMIN A. BIDLACK, ESQUIRE.

SIR:

The claims of citizens of the United States on the late Republic of Colombia and on the Republic of New Granada, constitute the principal pending business of the mission to which you are appointed. For the former class of claims, the States of New Granada, Venezuela and Ecuador, which composed the Republic of Colombia, have been held by this government to be jointly and severally responsible, but we have also expressed a willingness to absolve any of these States from further accountability in the premises upon its payment of the proportion of the claims, or any of them, according to the treaty of 1834 between them for adjusting the debts of Colombia. By that treaty, New Granada assumed fifty per cent. of those debts, which assumption has been deemed by us to include the claims of our citizens. New Granada has already acknowledged its liability to that extent with reference to three of these claims. The cases are those of the Josephine, the Ranger and the Morris. Their respective proportions of the principal and interest of the claim in the case of the Ranger have been paid by both New Granada and Venezuela. A portion of the principal and interest in the case of the Josephine has likewise been paid by New Granada and Venezuela. The balance due in this case and the circumstances which have hitherto prevented its payment, are fully stated in the accompanying copy of a letter addressed to the Department on the 9th ult: by Mr. Toby, the President of the Insurance Company of the State of Pennsylvania, which is the claimant. You will apply to the New Granadian Government for the balance due by it, pursuant to the statement in Mr. Toby's letter.

The claim on New Granada in the case of the Morris was adjusted by a Convention between Mr. Blackford, your predecessor, and Mr. Acosta, the Minister for Foreign Affairs of that Republic, bearing date the 5th of November, last. You will

[1] MSS. Department of State, Instructions, Colombia, XV. 93. Mr. Bidlack was commissioned chargé d'affaires to Colombia, May 14, 1845. He died at his post, Feb. 6, 1849.

herewith receive a copy of the Convention, which you will perceive stipulates for the payment by that government of twelve thousand seven hundred and fifty six dollars forty seven and a half cents in nine equal bi-monthly instalments of the current money of New Granada, with interest at the rate of six per cent. per annum from the 12th of January, 1826 until the day upon which each bi-monthly instalment shall be paid. The payments are to be completed within eighteen months from the time when the Congress of New Granada shall approve the Convention, to which Body it was to have been submitted at its late session. It will be your duty to see that the obligations of that government under this Convention shall be fulfilled.

The claim upon the Government of New Granada in the case of the schooner Yankee was also substantially adjusted by your predecessor upon the eve of his departure from Bogotá. You will find the particulars of the adjustment in his despatch No. 29, and will give such attention to the execution of its terms as may be necessary to enable the parties interested to realize the indemnity as speedily as may be practicable.

The unadjusted claims of our citizens upon the late Republic of Colombia, so far as they are known to this Department and respecting which your predecessors have been instructed, are the following.

BRIG NATIVE.

This vessel arrived at Guira in the Gulph of Paira on the 2nd of November, 1828. The authorities suffered a part of the cargo to be taken out and re-shipped to Trinidad. On the 12th of the same month she was captured by the Colombian schooner of war Independentia and a prize crew put on board of her. Great expenses were incurred in defending the cause, and the vessel and cargo were long detained but ultimately released. No reparation, however, was made for the damages and expenses incurred by the capture and detention. The amount claimed is $14.143.45. For instructions on the subject of this case, you are referred to the letter from this Department to Mr. Moore, No. 13, dated 14th February, 1831. You are also referred to the accompanying copy of a letter bearing date the 20th of April, last, addressed to this Department by Mr. Seth Driggs, the claimant.[1]

[1] This claim was disallowed by the mixed commission under the convention between the United States and New Granada of Sept. 10, 1857. See Moore, Int. Arbitrations, II. 1392.

BRIG SARAH WILSON.

The claim in this case is for the illegal detention of the vessel at La Guayra in July, 1829. The Courts there and at Bogotá released her but awarded no damages. These are claimed by Mr. Victor Roumage of New Orleans, the owner. Upon this subject you are referred to the instruction from this Department to Mr. Moore, No. 8, of the 10th of March, 1830.[1]

SCHOONER BEN ALAN.

This vessel, after having procured at the Island of St. Andrews the license necessary to trade on the Mosquito shore, touched at a few ports on that shore and at the river St. Johns, and disposed of a part of her cargo. She thence proceeded to Chagres, where she arrived on the 11th of October, 1827, sold another part of her cargo, paid the duties, and after obtaining a clearance, was boarded by a Colombian officer and twenty five men. The captain and crew were confined under the hatches, the vessel taken into Chagres and, with her cargo, condemned. The amount claimed is $21,719. The claimants are Messrs. H. & D. Cotheal of New York. General Harrison was furnished with the papers and was instructed in relation to this case by the letter from this Department No. 3, dated 27th October, 1828.[2]

SCHOONER ECONOMY.

This vessel, belonging to Peter Bousquet of Philadelphia, arrived at Maracaibo on the 29th of October, 1827, and discharged her cargo. Before taking her return cargo on board, she was examined by the Custom House officers, who discovered twenty or thirty pounds of tobacco in the seamen's chests which it is alleged was destined for their own use, and about as much more in the cabin, belonging to the mate and intended for his use. The vessel was seized and condemned upon the ground that the tobacco formed a part of her cargo, and that

[1] This claim was disallowed by the mixed commission under the convention between the United States and Colombia of Feb. 10, 1864. (Moore, Int. Arbitrations, II. 1418.)

[2] An award of $5,559.50 was made on this claim by the mixed commission under the convention between the United States and Colombia of Feb. 10, 1864. (Moore, Int. Arbitrations, II. 1420.)

it was imported contrary to the laws of Colombia. The amount claimed in this case is $7000. It is referred to in the instruction to Mr. Semple No. 3, of the 9th January, 1838.[1]

N. L. AND G. GRISWOLD, OF NEW YORK.

These gentlemen claim eleven thousand and two dollars and forty cents for an alleged excess of duties charged on the cargoes of the ships Potosi and Governor Clinton at Guayaquil. On this subject you are referred to the letter from this Department to General Harrison of the 28th of October, 1828.[2]

THE LA FORTUNE OR GOOD RETURN.

Joseph Karrick, the claimant in this case, made advances in money to Commodore Taylor of the Buenos Ayrean service, upon the condition of being appointed the general agent of the Commodore in the United States. With the money so obtained, Taylor fitted out several privateers with which it is represented he committed great havoc on the commerce of Spain without enriching himself or reimbursing the advances made by Karrick. The Good Return was employed by Karrick to transport from a place of deposit property captured by Taylor. On her way to a port in the West Indies with a cargo valued at $98.000, she was fallen in with by Commodore Joby of the Colombian Navy, detained several days and at last obliged to stipulate to pay him $30.000 as a ransom for the cargo and to go into St. Barts to raise the money. The vessel accordingly went into St. Barts, and the cargo was sold at a sacrifice, producing a sum sufficient only to pay the ransom and freight. On this subject you are referred to the instructions of this Department to Mr. Watts, No. 1, 8th January, 1827; and No. 4, 14th September, 1827.[3]

[1] This claim was disallowed by the mixed commission under the convention between the United States and New Granada of Sept. 10, 1857. (Moore, Int. Arbitrations, II. 1392.)

[2] This claim was disallowed by the mixed commission under the convention between the United States and Colombia of Feb. 10, 1864. (Moore, Int. Arbitrations, II. 1418.)

[3] Disallowed by the umpire under the mixed commission between the United States and Colombia of Feb. 10, 1864. (Moore, Int. Arbitrations, III. 2729 et seq.)

BRIG PATRIOTA.

A merchant of Buenos Ayres and a subject of His Catholic Majesty named John B. Jouanin, entered into a contract with Robert Cuming, the claimant in this case, to act as supercargo to the Patriota on a voyage from Providence, Rhode Island, to St. Jago de Cuba. The object of the contract was to enable Jouanin to appear the ostensible while Cuming was the real owner of the cargo, in order to avoid a capture by the British, who were at war with the United States. On the 7th of August, 1813, the vessel sailed from Newport, Rhode Island, and on the 26th of the same month, was captured by the brig Francisco de Paula, Captain Maury, bearing the colors of the then new Republic of Carthagena, to which port the prize was afterwards carried. The amount claimed is $34,600. For particular instructions in relation to this case, you are referred to the letter from this Department to Mr. McAfee, No. 8, dated 10th January, 1834.[1]

COMMODORE DANIELS.

The claims of this person are for the alleged seizure by Colombian authorities of the vessels the "Eris" and "Diligence," with their cargoes. Upon this subject, you are referred to the letters of this Department to Mr. Blackford, No. 6 of the 4th of March, and No. 12, of the 3d of August, 1843.[2]

UNADJUSTED CLAIMS ON NEW GRANADA.

SCHOONER ANDREW JACKSON.

This vessel was seized at Porto Bello on the 4th of August, 1834, and ordered to Carthagena for trial. She was condemned in the inferior Court on the alleged ground of having eight pounds of gun-powder on board. The appellate tribunal reversed this sentence, but did not award any damages. In consequence of the long detention of the vessel, the protracted proceedings against her and the expenses consequently incurred, it became necessary to sell her to defray them, and she was sold

[1] This claim was disallowed by the mixed commission under the treaty between the United States and Colombia of Feb. 10, 1864. (Moore, Int. Arbitrations, II. 1418.)

[2] These claims do not subsequently appear. Other claims of Daniels, or Danels, were afterwards disallowed. (Moore, Int. Arbitrations, III. 2729 et seq.)

accordingly. Joseph Knap, the master, is the claimant in the case, and the amount claimed is $9,688.02. By the letter from this Department No. 27, dated 16th June, 1835, Mr. McAfee was instructed upon the subject. He presented the claim in a note to the New Granadian Minister for Foreign Affairs of the 28th of October, 1835, and was informed that a final answer could not be given until the government should receive from Carthagena a copy of the judicial proceedings. Nothing further appears to have taken place in relation to the subject.[1]

EDWARD LEONI.

The claims of this person are for alleged illegal imprisonment and maltreatment by the authorities of New Granada in consequence of a charge preferred against him for taking part with the insurgents at Ocaña in 1841. The amount of the damages claimed is not stated.[2]

In adjusting these claims, you may adopt the course which has hitherto been pursued and discuss their merits singly with the Minister for Foreign Affairs.

The only treaty in force between the United States and New Granada is the Postal Convention of the 6th of March, 1844. You will herewith receive printed copies thereof for the use of your Legation.

On the 20th of December, last, a treaty of Commerce between the United States and New Granada was signed at Bogotá by Mr. Blackford and Mr. Acosta in behalf of the respective governments. The treaty is now pending before the Senate of the United States, of whose decision in regard to it you shall be duly apprized.

The United States have strong motives for viewing with interest any project which may be designed to facilitate the intercourse between the Atlantic and the Pacific oceans. Within a few years past the scheme of a railroad or a canal across the Isthmus of Panama, has been much agitated, and it is understood

[1] This claim was disallowed by the mixed commission under the convention between the United States and Colombia of Feb. 10, 1864. (Moore, Int. Arbitrations, II. 1418.)

[2] Disallowed by the mixed commission under the convention between the United States and Colombia of Feb. 10, 1864. (Moore, Int. Arbitrations, II. 1418.) It is to be observed that all the claims herein referred to, except the last, long antedated Mr. Buchanan's term as Secretary of State, and were presented by his predecessors.

that surveys have been made for the purpose of testing its practicability, but we are not aware that they have been authorized or countenanced by any foreign government. As it is important to us that no other nation should obtain either an exclusive privilege or an advantage in regard to such a communication between the two oceans, you will lose no time in transmitting to the department any information upon the subject which you may be able to collect. You will also use your influence, should this become necessary, with the government of New Granada, to prevent it from granting privileges to any other nation which might prove injurious to the United States.

Mr. Acosta addressed several communications to Mr. Blackford for the purpose of exposing the encroachments of the British authorities upon that part of the territory of New Granada commonly called the Mosquito shore. The communications contained no application from that government to the United States, but you may avail yourself of a proper opportunity to assure its Minister for Foreign Affairs, orally, that the information was highly interesting to this government, which can never be indifferent to anything that concerns the interest and prosperity of New Granada.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

CIRCULAR, JUNE 23, 1845,

TO THE MEMBERS OF THE DIPLOMATIC CORPS.[1]

DON A. CALDERON DE LA BARCA,

&c., &c., &c.

The members of the Foreign Diplomatic Corps residing in the United States are respectively informed that Friday next, the 27th instant, has been set apart for the observance in this City of certain ceremonies in honor of the memory of Andrew Jackson, late Ex-President of the United States; and are invited to join the officers of the General Government, and the corporate authorities and citizens of Washington, in testifying their respect for the character of this great and illustrious man. Those members of the Diplomatic Body who may feel disposed to honor the

[1] MSS. Department of State, Notes to Spanish Legation, VI, 123.

occasion by their presence, are respectfully requested to meet together at the Executive Mansion a few minutes before 12 o'clock on the morning of that day.

DEPARTMENT OF STATE,
WASHINGTON, 23rd June, 1845.

TO SEÑOR CALDERON DE LA BARCA.[1]

DEPARTMENT OF STATE,
WASHINGTON, 3rd July, 1845.

DON A. CALDERON DE LA BARCA,
&c., &c., Spain.

SIR:

I have the honor to acknowledge the receipt of your note of 26th ultimo. The claim of Spain for a reduction of the tonnage duty on her vessels entering our ports has been repeatedly before the Congress of the United States, under the recommendation of the Executive.

Under the Act approved 31st May, 1830, Congress repealed all duties upon the tonnage of the vessels of any foreign nation, entering the Ports of the United States; provided that the President "shall be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operate to the disadvantage of the United States, have been abolished."

In consequence of this Act, an arrangement was concluded between the Spanish Government and the American Envoy, Mr. Van Ness, in December, 1831, under which American vessels, ever since the 29th April, 1832, have been admitted to entry in the Ports of the Spanish Peninsula, on payment of the same tonnage duty, as though they had been Spanish vessels. This arrangement, it is admitted, has ever since been practically extended to all American Vessels, whether proceeding directly from the United States to Spain, or *indirectly from any other Country*.

When Congress, on 13th July, 1832, came to give effect to the arrangement, they provided for the reduction of tonnage duty merely on Spanish vessels "coming from a port in Spain," without making any such provision for Spanish vessels coming indirectly to the United States from a port in any other Country. The reason, doubtless, was, that this reciprocity was confined to

[1] MSS. Department of State, Notes to Spanish Legation, VI. 124.

Spain proper, and did not embrace her Colonies, where heavy discriminating duties were then, and ever since have been, levied against the vessels of the United States.

But whatever may have been the cause of this omission on the part of Congress, it is manifestly unjust that Spanish vessels coming from the ports of other foreign countries to the United States, should be subjected to heavy discriminating duties, whilst American vessels, no matter whence they come, pay no more duties in the Ports of Spain than Spanish vessels. This is neither equality nor reciprocity; and such is the opinion of the President. If the power had been delegated to him by Congress, as Mr. Calderon seems to suppose, he would, without delay, issue his proclamation, reducing the tonnage duties, hereafter, on Spanish vessels entering the ports of the United States from foreign Countries to the standard prescribed by the first section of the Act of 13th July, 1832, and direct that the excess of tonnage duties, levied on such vessels, heretofore, in the Ports of the United States, should be refunded. Under existing circumstances, all that he can do is, again to recommend the subject to the early and favorable consideration of Congress at the commencement of their next Session. The performance of this duty, towards a faithful and friendly power like Spain, will be most agreeable to him.

I may add that the President feels the strongest desire to cultivate the most friendly relations with Spain; and he would be glad to enter into any fair and equitable arrangement with that Power, to remove the unnatural and impolitic restrictions which now fetter the trade of the United States with the Islands of Cuba and Porto-Rico.

Your note of the 18th April, on the subject of the Spanish Barque Restauraçion, is still before the Secretary of the Treasury;—whose decison in the case will be communicated as soon as it shall have been received.

I avail myself of this occasion to renew to you assurances of my distinguished consideration.

JAMES BUCHANAN.

TO MR. SHIELDS.[1]

(No. 4.) DEPARTMENT OF STATE,
WASHINGTON, 5th July, 1845.

TO BENJAMIN G. SHIELDS, ESQUIRE,
&c. &c. &c.

SIR:

Mr. Thomas W. Walter, a citizen of the United States who has for some time past been engaged in the construction of a breakwater at La Guayra, pursuant to a contract with the authorities of Venezuela, states that those authorities show a strong disposition to interpose difficulties in the way of a settlement of his claims under the contract. He consequently requests that you may be instructed to exert your friendly influence in his behalf. It is contrary to the practice of this government officially to interfere in behalf of their citizens in the recovery of claims which they may have against other governments, originating in contracts, but I shall be pleased if you will aid Mr. Walter with your personal good offices in any manner which you may deem advisable.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO MR. EVERETT.[2]

(No. 135.) DEPARTMENT OF STATE,
WASHINGTON, 8th July, 1845.

EDWARD EVERETT, ESQRE.,
&c., &c., &c.

SIR:

I have the honor to inform you that the President has thought proper to confer the appointment of Envoy Extraordinary and Minister Plenipotentiary of the United States at London upon Mr. Louis McLane, who, some years ago, in the same character, represented this Government at the Court of St. James. Mr. McLane will proceed upon his mission without

[1] MSS. Department of State, Instructions, Venezuela, I. 55. Mr. Shields was commissioned chargé d'affaires to Venezuela, March 14, 1845. He left Caracas, January 7, 1850.

[2] MSS. Department of State, Instructions, Great Britain, XV. 257.

unnecessary delay; and this communication, which will be entrusted to him, will be handed to you upon his arrival at his post. You will, as soon as convenient, after receiving this notification, communicate to the British Secretary of State for Foreign Affairs the enclosed copy of a letter to Her Britannic Majesty announcing your recall. When you have ascertained in what way it will be most agreeable to Her Majesty's wishes to receive the original, which is also herewith sent, you will take leave of the British Government, with an expression, on the part of the President, of his desire to maintain, in their full vigor, the amicable relations which now so happily exist between the two countries. All the archives, papers, books, and other public property belonging to the Legation, together with an inventory of them, may then be turned over to Mr. McLane, who will give you the necessary receipt for the same.

I am, Sir, respectfully,

Your obedient servant.

JAMES BUCHANAN.

TO M. PAGEOT.

DEPARTMENT OF STATE,
WASHINGTON, 10th July, 1845.

MR. ALPHONSE PAGEOT,
&c., &c., &c.

SIR:

I have the honor to inform you that, in accordance with the wish you some time since expressed to me in conversation, the attention of the Secretary of the Treasury has been again invited to the question of duties chargeable on imitation French wines imported into the United States, and the claims of the importers of those wines to a return of an alleged excess of duty paid thereon. I now transmit to you the copy of a letter recently addressed to this Department, in which that officer, after a careful examination of the whole subject, expresses his concurrence in the result of the opinion given by his immediate predecessor as indicated in his notes to the Department of State of the 3d and 17th of February last,—heretofore communicated to you,—and considers the question as definitively determined against the admission of the claim.

[1] MSS. Department of State, Notes to French Legation, VI. 91.

In relation to your suggestion that the French importers intend to resort to our legal tribunals for the purpose of bringing their right to have these duties refunded, the Secretary assures me that should they pursue this course, he will afford every facility within his power to bring the question to a speedy final decision.

I avail myself of this occasion to offer you the assurance of my high consideration.

JAMES BUCHANAN.

TO MR. McLANE.[1]

(No. 2.) DEPARTMENT OF STATE,
WASHINGTON, 12th July, 1845.

SIR: Although the President does not intend to transfer the Oregon negotiation from Washington to London, yet, as Her Britannic Majesty's Ministers will doubtless afford you frequent opportunities of conversing upon the subject, it is proper that you should be well informed of the present state of the question. For this purpose it is necessary to furnish you with a brief historical sketch of the propositions for its adjustment which have been heretofore made and rejected by the respective Governments.

The first negotiation was that of 1818, which terminated in the convention of the 20th October of that year. It was conducted by Messrs. Gallatin and Rush, as American Plenipotentiaries, in obedience to instructions from Mr. Adams, then Secretary of State, under Mr. Monroe's administration. Our Plenipotentiaries inform us that they did not, on that occasion, "assert that the United States had a perfect right to the country; but insisted that their claim was at least good against Great Britain." They, therefore, offered to compromise by adopting the parallel of 49° as the dividing line between the two countries, and by surrendering to Great Britain the free navigation of the rivers (the Columbia of course included,) which might be intersected by this line. The British Plenipotentiaries, (Messrs. Robinson and Goulburn,) in answer, "did not make any formal

[1] MSS. Department of State, Instructions, Great Britain, XV, 271; S. Doc. 489, 29 Cong. 1 Sess. 27. Louis McLane was commissioned envoy extraordinary and minister plenipotentiary to Great Britain, June 16, 1845; he left London, Aug. 18, 1846.

proposition for a boundary; but intimated that the river itself was the most convenient that could be adopted, and that they would not agree to any that did not give them the harbor at the mouth of the river in common with the United States." But although they did not propose a permanent boundary, they did make a most extraordinary proposition to the American Plenipotentiaries, which was instantly and properly rejected. This was no less in effect than that the United States should surrender to Great Britain the exclusive sovereignty over the whole territory north of 49°, whilst that portion of it which lies between the 45th and the 49th parallels, embracing the mouth, and nearly the whole course of the Columbia river, should "be free and open to the subjects and citizens of the two States respectively, for the purpose of trade and commerce," reserving the claims of the respective parties, not to the whole territory, but to this section of it merely.

This negotiation resulted in the adoption of the third article of the convention of the 20th October, 1818, under which the United States so far yielded to the claims of Great Britain as to agree that the whole territory should "be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two Powers."

The second negotiation on this subject, during the administration of Mr. Monroe, was conducted in 1824 by Mr. Rush as the American Plenipotentiary, under the instructions of Mr. Adams. In the meantime the United States had acquired the Spanish title, embracing the whole territory in dispute, under the Florida treaty of the 22d February, 1819; and Mr. Monroe had made his celebrated declaration to the world that the American continent should no longer be subject to colonization. Notwithstanding this change in the relative position of the parties, Mr. Monroe, anxious to settle the conflicting claims of Russia, Great Britain, and the United States to the territory on the Northwest Coast of America, and knowing that this could only be done by compromise, authorized Mr. Rush, through the instructions from Mr. Adams, dated the 22d July, 1823, "with a view to draw a definite line of demarcation for the future, to stipulate that no settlement shall be made on the Northwest Coast or on any of the islands thereto adjoining, by Russian subjects, south of latitude 55; by citizens of the United States north of latitude 51°, or by British subjects either south of 51 or north of 55. I men-

tion, (says Mr. Adams,) the latitude of 51 as the bound within which we are willing to limit the future settlement of the United States, because it is not to be doubted that the Columbia river branches as far north as 51." "As, however, the line already runs in latitude 49° to the Stony Mountains, should it be earnestly insisted upon by Great Britain, we will consent to carry it in continuance on the same parallel to the sea."

Mr. Rush, with great ability, attempted to execute his instructions. He first proposed 51°, and afterwards 49°; but in vain. These propositions were severally rejected by the British Plenipotentiaries, (Messrs. Huskisson and Stratford Canning,) who proposed the 49th parallel as a permanent boundary between the two countries until it should strike the northeasternmost branch of the Columbia river, (McGillivray's,) and thence down the same to its junction with the ocean, "the navigation of the whole channel being perpetually free to the subjects and citizens of both parties." This proposition was rejected by Mr. Rush, and here the negotiation ended.

The third negotiation on this subject took place in 1826—'7, during the administration of Mr. Adams, and was conducted by Mr. Gallatin, as American Plenipotentiary, under instructions from Mr. Clay, then Secretary of State. The third article of the convention of October, 1818, was about to expire by its own limitation; and a most formal and serious effort was then made finally to adjust this vexed question, but it utterly failed. This negotiation displays great research and ability on both sides. Mr. Gallatin, in behalf of the United States, again offered to compromise the question by adopting the 49th parallel of latitude as the dividing line between the two countries west of the Rocky Mountains; and to agree that the navigation of the Columbia should "be perpetually free to the subjects of Great Britain in common with the citizens of the United States," provided this line should strike the northeasternmost or any other branch of that river at a point from which it was navigable for boats.

This offer was rejected by the British Plenipotentiaries (Messrs. Huskisson and Addington,) in very strong terms. They repeated the offer which had been made to Mr. Rush, on the part of Great Britain, in 1824, with this addition, that they were willing to concede to the United States the possession of Port Discovery, on the southern coast of De Fuca's Inlet, and annex thereto "all that tract of country comprised within a line to be drawn from Cape Flattery along the southern shore of De Fuca's

Inlet, to Point Wilson, at the northwestern extremity of Admiralty Inlet; from thence along the western shore of that inlet, across the entrance of Hood's Inlet, to the point of land forming the northeastern extremity of the said inlet; from thence along the eastern shore of that inlet to the southern extremity of the same; from thence direct to the southern point of Gray's Harbor; from thence along the shore of the Pacific to Cape Flattery, as before mentioned."

This proposition was rejected by Mr. Gallatin; and the negotiation terminated in the convention of August 6th, 1827, which continued the 3d article of the convention of October, 1818, until it should be abrogated by the one party or the other, by giving a notice of twelve months to that effect. This convention has ever since remained in force; and ever since, under its provisions, the subjects of Great Britain have enjoyed the same rights over the whole territory as the citizens of the United States. This joint occupation has continued for more than a quarter of a century; and it is not to be supposed that the British Government will now consent by negotiation to yield to us the whole territory up to 54° 40′, after our Government had thrice offered to divide it by the parallel of 40°, and they had thrice refused the offer, even when accompanied by a grant of the free navigation of the Columbia.

The next notice of this question will be found under the administration of General Jackson. It is contained in the instructions of Mr. Livingston to Mr. Van Buren, dated on the 1st August, 1831, with a copy of which, so far as they relate to this subject, you shall be furnished. From this you will perceive that General Jackson's administration, so far from objecting to the occupation of the whole territory by the British in common with ourselves, were entirely satisfied to suffer this state of things to continue. These instructions do not proceed upon the principle of claiming the whole territory for the United States, although they express a strong opinion in favor of our right. After stating that the term of joint occupation was indefinitely continued for the purpose, in the language of the treaty, "of giving time to mature measures which shall have for their object a more definite settlement of the claims of each party to the said territory," they go on to remark that "this subject then is open for discussion, and until the rights of the parties can be settled by negotiation ours can suffer nothing by delay."

These instructions evidently looked to a settlement of the

rights of the respective parties by negotiation, and not to an absolute exclusion of Great Britain from the whole territory.

From the 1st of August, 1831, the date of Mr. Livingston's instructions to Mr. Van Buren, until the 9th of October, 1843, no further notice of the Oregon question was taken in any instructions from this Department. On that day, Mr. Upshur, then the Secretary of State under Mr. Tyler's administration, addressed instructions to Mr. Everett on the subject. Following in the course of compromise pointed out by his predecessors, Mr. Upshur says: "The offer of the 49th parallel of latitude, although it has once been rejected, may be again tendered, together with the right of navigating the Columbia, upon equitable terms. Beyond this, the President is not now prepared to go. Nevertheless, you may propose or receive, subject to the approval of this Government, any other terms of compromise which in the progress of your discussions may appear to promise a satisfactory adjustment of this important question."

Next came the existing negotiation, which the President found pending on his accession to office.

This negotiation, like all which had preceded it, was based upon the principle of compromising the claims of the parties, and not of demanding the whole territory for the United States The first protocol signed by Messrs. Calhoun and Pakenham, on the 23d August last, states that it was instituted "to treat of the respective claims of the two countries to the Oregon territory with the view to establish a permanent boundary between the two countries westward of the Rocky Mountains to the Pacific Ocean."

The President, at a very early period of his administration, was called upon to decide whether he would break off or continue this negotiation. Placed in such a responsible position, he first inquired whether the national honor required that he should abruptly terminate it by demanding the whole territory in dispute. War before dishonor is a maxim deeply engraven upon the hearts of the American People; and this maxim ever shall regulate his conduct towards foreign nations. But it was impossible for him to conceive that there could be dishonor in pursuing the course which had been adopted by Mr. Monroe, his patriot Revolutionary predecessor, more than a quarter of a century ago, and had been either expressly sanctioned or acquiesced in by all succeeding administrations.

His next inquiry was, would a compromise of the claims

of the parties, by adopting the parallel of 49°, materially injure the interest of the United States. The entrance of the Straits of Fuca, Admiralty Inlet, and Puget's Sound, with their fine harbors and rich surrounding soil, are all south of this parallel. We know but little of the country north of it; but, from all the information we have obtained, it is, with the exception of a few spots, wholly unfit for agriculture, and incapable of sustaining any considerable population. Its chief, indeed almost its only value consists in the furs which may yet be collected upon it; and, even in this particular, it is not of much importance.

Arbitration being out of the question, the alternatives which remained were either to compromise the claims of the parties upon terms similar to those which had often been proposed by the Government of the United States and rejected by that of Great Britain, or to demand the exclusive sovereignty over the whole territory in dispute, and thus to render war almost inevitable. In the present enlightened and Christian age, war ought to be the very last alternative of nations, and should never be resorted to unless for a cause which renders it imperatively necessary. To rush into hostilities, if this can be honorably avoided, would subject the United States to the condemnation of all Christendom. The President doubts whether the judgment of the civilized world would be in our favor in a war waged for a comparatively worthless territory north of 49°, which his predecessors had over and over again offered to surrender to Great Britain, provided she would yield her pretensions to the country south of that latitude. Besides, a war for such a cause, whilst it would doubtless be sustained by the patriotism, might not meet the approbation, of a large portion of our own fellow-citizens.

On the other hand, suppose the American proposition of the 49th degree of latitude should be again made by the United States and again rejected by Great Britain, and war then be the consequence, we might appeal to all mankind for the justice and moderation of our demand: the voice of an impartial world would pronounce our cause to be righteous, and our own citizens would be enthusiastically united in sustaining such a war. Should the negotiation end in disappointment, the President, having done all that can be required of him for the preservation of peace, will afterwards feel himself perfectly free to insist upon our rights in their full extent up to the Russian line.

Influenced by these important considerations, you will perceive, from my note to Mr. Pakenham, a copy of which I now

enclose you, that the President has once more proposed to the Government of Great Britain that the territory west of the Rocky Mountains which has been, under existing treaties, "free and open" to the occupation of nations ever since 1818, shall now be divided between them by the forty-ninth parallel of north latitude, offering at the same time to make free to Great Britain any port or ports on Vancouver's Island, south of this parallel, which the British Government may desire.

You will observe that the proposition is silent in regard to the navigation of the Columbia river—a privilege which has heretofore been repeatedly offered to Great Britain in former attempts to settle this question. Such a privilege the President cannot concede, although he is well aware of the serious if not insuperable obstacles which this may present to the success of the negotiation. The tenacity with which Great Britain will adhere to the free navigation of the Columbia which she now enjoys is manifest from the note of Mr. Pakenham to Mr. Calhoun of the 12th September last, with a copy of which you have been furnished.

If the free navigation of the Columbia were granted to Great Britain, this would be a perpetual source of strife and cause of collision between the citizens and subjects of the two nations in those remote regions. It would be almost impossible, by any vigilance which could be exerted, to execute the revenue laws of the respective countries and prevent smuggling on either side of the river. Besides, there are several portages around the falls and rapids of this river and its branches, the use of which is necessary to the enjoyment of its free navigation. This would introduce the subjects of Great Britain with their merchandise into the heart of the country, and thus greatly increase the evil beyond what it would be if they were confined to the channel of the river. The President is desirous to adjust the question in such a manner as to leave no source behind from which might proceed new difficulties and new dangers again to involve the peace of the two countries. With his present impressions he can never yield to Great Britain the free navigation of the Columbia.

It is to be hoped that Great Britain may view this subject in the same light; especially as within the last few years rivers have been explored and resorted to north of the parallel of 49°, on which her trade may be conducted between the interior and the ocean, without the use of the Columbia.

Whilst denying this privilege which has been hitherto so often offered, it may be asked what reason have we to hope that Great Britain may now accede to the naked parallel of 49°. There would be little or none, unless our proposition had contained such a concession in some other particular as to enable her to retreat with honor from her former demands. This will be found in our offer to make free to Great Britain any port or ports on Vancouver's Island south of 49°, which the British Government may desire. It is true this is but a trifling concession, considering the small portion of the cap of Vancouver's Island which lies south of that parallel; and although no equivalent, it is yet something, which may be a refuge for British pride, whilst surrendering the free navigation of the Columbia. Besides, as they have, in their last proposition, so far gone beyond that of 1827 as to offer to make free to the United States any port or ports which they might desire, either on the main land or Vancouver's Island south of latitude 49°, our offer to them of free ports on the southern cap of that island may be deemed a reciprocal concession.

Had this been a new question, you are fully aware that the President never would have presented such a proposition; but it must not be forgotten that the American Government never dies, although the agents who administer it are perpetually changing. Its course of policy towards foreign nations should not change with every changing administration, but ought to be uniform and consistent, unless for reasons of imperative necessity.

From what has been said, you will perceive how wholly impossible it is for the President to accept any terms of compromise which would bring the British south of the parallel of 49°; and this you may intimate to the British Ministers in conversation, should you deem it wise under all the circumstances. The only exception to this rule which could possibly be made might be the concession, for an adequate equivalent, of the small cap of Vancouver's Island south of this latitude, which would be of no importance to the United States, whilst it is of considerable value to Great Britain.

You will enforce our proposition upon the British Ministry with all the enlightened ability of which you are so eminently the master. Should it be rejected, the President will be relieved from the embarrassment in which he has been involved by the acts, offers, and declarations of his predecessors. Afterwards, if the difficulty can only be resolved by the sword, we may then

appeal with confidence to the world for the equity and justice of our cause, and may anticipate the smiles of Heaven upon the right.

I am, Sir, with great respect,

Your obedient servant,

JAMES BUCHANAN.

LOUIS MCLANE, ESQRE., &c. &c. &c.

TO MR. PAKENHAM.[1]

J. B.

DEPARTMENT OF STATE,

WASHINGTON, 12th July, 1845.

The Undersigned, Secretary of State of the United States, now proceeds to resume the negotiation on the Oregon question at the point where it was left by his predecessor.

The British Plenipotentiary, in his note to Mr. Calhoun, of the 12th September last, requests, "that as the American Plenipotentiary declines the proposal offered on the part of Great Britain, he will have the goodness to state what arrangement he is, on the part of the United States, prepared to propose for an equitable adjustment of the question—and more especially that he will have the goodness to define the nature and extent of the claims which the United States may have to other portions of the territory to which allusion is made in the concluding part of his statement, as it is obvious that no arrangement can be made with respect to a part of the territory in dispute while a claim is reserved to any portion of the remainder.

The Secretary of State will now proceed (reversing the order in which these questions have been made,) in the first place, to present the title of the United States to the territory north of the valley of the Columbia, and will then propose, on the part of the President, the terms upon which, in his opinion, this long-pending controversy may be justly and equitably terminated between the parties.

The title of the United States to that portion of the Oregon

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[1] MSS. Department of State, Notes to Great Britain, VII. 76; S. Doc. 1, 29 Cong. 1 Sess. 163; H. Ex. Doc. 2, 29 Cong. 1 Sess. 163. The Hon. Richard Pakenham was British envoy extraordinary and minister plenipotentiary at Washington from Feb. 21, 1844, to May 21, 1847.

territory between the valley of the Columbia and the Russian line in 54° 40′ North Latitude, is recorded in the Florida Treaty. Under this treaty, dated on the 22d February, 1819, Spain ceded to the United States all her "rights, claims, and pretensions" to any territories west of the Rocky Mountains and north of the 42d parallel of latitude. We contend that at the date of this cession, Spain had a good title, as against Great Britain, to the whole Oregon Territory; and, if this be established, the question is then decided in favor of the United States.

But the American title is now encountered at every step by declarations that we hold it subject to all the conditions of the Nootka Sound Convention, between Great Britain and Spain, signed at the Escurial on the 28th of October, 1790. Great Britain contends that, under this convention, the title of Spain was limited to a mere common right of joint occupancy with herself over the whole territory. To employ the language of the British Plenipotentiary: "If Spain could not make good her own right of exclusive dominion over those regions, still less could she confer such a right on another Power; and hence Great Britain argues that from nothing deduced from the Treaty of 1819, can the United States assert a valid claim to exclusive dominion over any part of the Oregon Territory." Hence it is that Great Britain, resting her pretensions on the Nootka Sound Convention, has necessarily limited her claim to a mere right of joint occupancy over the whole territory in common with the United States as the successor of Spain, leaving the right of exclusive dominion in abeyance.

It is, then, of the first importance that we should ascertain the true construction and meaning of the Nootka Sound Convention.

If it should appear that this treaty was transient in its very nature—that it conferred upon Great Britain no right but that of merely trading with the Indians whilst the country should remain unsettled, and making the necessary establishments for this purpose:—that it did not interfere with the ultimate sovereignty of Spain over the territory; and above all that it was annulled by the war between Spain and Great Britain, in 1796, and has never since been renewed by the parties, then the British claim to any portion of this territory will prove to be destitute of foundation.

It is unnecessary to detail the circumstances out of which this convention arose. It is sufficient to say that John Meares, a British subject, sailing under the Portuguese flag, landed at

Nootka Sound in 1788, and made a temporary establishment there, for the purpose of building a vessel; and that the Spaniards, in 1789, took possession of this establishment, under the orders of the Vice Roy of Mexico, who claimed for Spain the exclusive sovereignty of the whole territory on the Northwest coast of America up to the Russian line. Meares appealed to the British Government for redress against Spain, and the danger of war between the two nations became imminent. This was prevented by the conclusion of the Nootka Sound Convention. That convention provides, by its first and second articles, for the restoration of the lands and buildings of which the subjects of Great Britain had been dispossessed by the Spaniards, and the payment of an indemnity for the injuries sustained. This indemnity was paid by Spain; but no sufficient evidence has been adduced, that either Nootka Sound or any other spot upon the coast was ever actually surrendered by that Power to Great Britain. All we know with certainty is that Spain continued in possession of Nootka Sound until 1795, when she voluntarily abandoned the place. Since that period, no attempt has been made (unless very recently,) by Great Britain or her subjects to occupy either this or any other part of Vancouver's Island. It is thus manifest that she did not formerly attach much importance to the exercise of the rights, whatever they may have been, which she had acquired under the Nootka Sound Convention.

The only other portion of this convention important for the present discussion, will be found in the third and fifth articles. They are as follows: "Art. 3. In order to strengthen the bonds of friendship, and to preserve, in future, a perfect harmony and good understanding between the two contracting parties, it is agreed that their respective subjects shall not be disturbed or molested, either in navigating or carrying on their fisheries, in the Pacific Ocean or in the South Seas, or in landing on the coasts of those seas, in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, or of making settlements there; the whole subject, nevertheless, to the restrictions specified in the three following articles." The material one of which is, "Art. 5. As well in the places which are to be restored to the British subjects, by virtue of the first article, as on all other parts of the Northwestern coasts of North America, or of the islands adjacent, situate to the north of the parts of the said coast already occupied by Spain, wherever the subjects of either of the two Powers shall have made settlements

since the month of April, 1789, or shall hereafter make any, the subjects of the other shall have free access, and shall carry on their trade without any disturbance or molestation."

It may be observed as a striking fact which must have an important bearing against the claim of Great Britain, that this convention which was dictated by her to Spain contains no provision impairing the ultimate sovereignty which that Power had asserted for nearly three centuries over the whole western side of North America, as far north as the 61st degree of latitude; and which had never been seriously questioned by any European nation. This had been maintained by Spain with the most vigilant jealousy, ever since the discovery of the American continent, and had been acquiesced in by all European Governments. It had been admitted even beyond the latitude of 54° 40′ north by Russia, then the only Power having claims which could come in collision with Spain; and that, too, under a Sovereign peculiarly tenacious of the territorial rights of her empire. This will appear from the letter of Count de Fernan Nuñez, the Spanish Ambassador at Paris, to M. de Montmorin, the Secretary of the Foreign Department of France, dated Paris, June 16th, 1790. From this letter it seems that complaints had been made by Spain to the Court of Russia, against Russian subjects, for violating the Spanish territory, on the northwest coast of America, south of the 61st degree of north latitude, in consequence of which that Court, without delay, assured the King of Spain, "that it was extremely sorry that the repeated orders issued to prevent the subjects of Russia from violating, in the smallest degree, the territory belonging to another Power, should have been disobeyed."

This convention of 1790 recognizes no right in Great Britain, either present or prospective, to plant permanent colonies on the northwest coast of America, or to exercise such exclusive jurisdiction over any portion of it as is essential to sovereignty. Great Britain obtained from Spain all she then desired;—a mere engagement that her subjects should "not be disturbed or molested," "in landing on the coasts of those seas in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, or of making settlements there." What kind of "settlements"? This is not specified; but surely their character and duration are limited by the object which the contracting parties had in view. They must have been such only as were necessary and proper "for the purpose of carrying on

commerce with the natives of the country." Were these settlements intended to expand into colonies—to expel the natives—to deprive Spain of her sovereign rights,—and to confer the exclusive jurisdiction over the whole territory on Great Britain? Surely, Spain never designed any such results; and if Great Britain has obtained these concessions by the Nootka Sound Convention, it has been by the most extraordinary construction ever imposed upon human language. But this convention, also, stipulates, that to these settlements which might be made by the one party "the subjects of the other shall have free access, and shall carry on their trade without any disturbance or molestation." What trade? Certainly that "with the natives of the country," as prescribed in the third article; and this, from the very nature of things, could continue only whilst the country should remain in the possession of the Indians. On no other construction can this convention escape from the absurdities attributed to it by British statesmen, when under discussion before the House of Commons. "In every place in which we might settle, (said Mr. afterwards Earl Grey,) access was left for the Spaniards. Where we might form a settlement on one hill, they might erect a fort on another; and a merchant must run all the risk of a discovery, and all the expenses of an establishment, for a property which was liable to be the subject of continual dispute, and could never be placed upon a permanent footing."

Most certainly this treaty was in its very nature temporary, and the rights of Great Britain under it were never intended to "be placed upon a permanent footing." It was to endure no longer than the existence of those peculiar causes which called it into being. Such a treaty creating British and Spanish settlements intermingled with each other, and dotted over the whole surface of the territory, wherever a British or Spanish merchant could find a spot favorable for trade with the Indians, never could have been intended for a permanent arrangement between civilized nations.

But whatever may be the true construction of the Nootka Sound Convention, it has, in the opinion of the Undersigned, long since ceased to exist.

The general rule of national law is, that war terminates all subsisting treaties between the belligerent Powers. Great Britain has maintained this rule to its utmost extent. Lord Bathurst, in negotiating with Mr. Adams, in 1815, says, "that Great Britain knows of no exception to the rule that all treaties are put an end

to by a subsequent war between the same parties." Perhaps the only exception to this rule, if such it may be styled, is that of a treaty recognizing certain sovereign rights as belonging to a nation which had previously existed independently of any treaty engagement. These rights, which the treaty did not create, but merely acknowledged, cannot be destroyed by war between the parties. Such was the acknowledgment of the fact by Great Britain, under the definitive treaty of 1783, that the United States were "free, sovereign, and independent." It will scarcely be contended that the Nootka Sound Convention belongs to this class of treaties. It is difficult to imagine any case in which a treaty containing mutual engagements still remaining unexecuted would not be abrogated by war. The Nootka Sound Convention is strictly of this character. The declaration of war, therefore, by Spain against Great Britain, in October, 1796, annulled its provisions and freed the parties from its obligations. This whole treaty consisted of mutual express engagements to be performed by the contracting parties. Its most important article (the 3d) in reference to the present discussion, does not even grant in affirmative terms the right to the contracting parties to trade with the Indians and to make settlements. It merely engages, in negative terms, that the subjects of the contracting parties "shall not be disturbed or molested" in the exercise of these treaty privileges. Surely, this is not such an engagement as will continue to exist in despite of war between the parties. It is gone for ever, unless it has been revived in express terms by the treaty of peace, or some other treaty between the parties. Such is the principle of public law and the practice of civilized nations.

Has the Nootka Sound Convention been thus revived? This depends entirely upon the true construction of the additional articles to the treaty of Madrid, which were signed on the 28th August, 1814, and contain the only agreement between the parties since the war of 1796 for the renewal of engagements existing previously to the latter date. The first of the additional articles to this treaty provides as follows: "It is agreed that pending the negotiation of a new treaty of commerce, Great Britain shall be admitted to trade with Spain upon the same conditions as those which existed previously to 1796; all the treaties of commerce which at that period subsisted between the two nations being hereby ratified and confirmed."

The first observation to be made upon this article is that it

is confined in terms to the trade with Spain, and does not embrace her colonies or remote territories. These had always been closed against foreign Powers. Spain had never conceded the privilege of trading with her colonies to any nation, except in the single instance of the asiento, which was abrogated in 1740, nor did any of the treaties of commerce which were in force between the two nations previously to 1796 make such a concession to Great Britain. That this is the true construction of the 1st additional article of the treaty of Madrid appears conclusively from another part of the instrument. Great Britain, by an irresistible inference, admitted that she had acquired no right under it to trade with the colonies or remote territories of Spain, when she obtained a stipulation in the same treaty, that, "In the event of the commerce of the Spanish American possessions being opened to foreign nations, his Catholic Majesty promises that Great Britain shall be admitted to trade with those possessions, as the most favored nation."

But even if the 1st additional article of the treaty of 1814 were not thus expressly limited to the revival of the trade of Great Britain with the kingdom of Spain in Europe, without reference to any other portion of her dominions, the Nootka Sound Convention can never be embraced under the denomination of a treaty of commerce between the two Powers. It contains no provision whatever to grant or to regulate trade between British and Spanish subjects. Its essential part, so far as concerns the present question, relates not to any trade or commerce between the subjects of the respective Powers. It merely prohibits the subjects of either from disturbing or molesting those of the other in trading with third parties—the natives of the country. The grant "of making settlements," whether understood in its broadest or most restricted sense, relates to territorial acquisition, and not to trade or commerce in any imaginable form. The Nootka Sound Convention, then, cannot, in any sense, be considered a treaty of commerce; and was not, therefore, revived by the treaty of Madrid of 1814. When the war commenced between Great Britain and Spain, in 1796, several treaties subsisted between them, which were both in title and in substance treaties of commerce. These, and these alone, were revived by the treaty of 1814.

That the British Government itself had no idea, in 1818, that the Nootka Sound Convention was then in force, may be fairly inferred from their silence upon the subject during the

whole negotiation of that year on the Oregon question. This convention was not once referred to by the British Plenipotentiaries. They then rested their claims on other foundations. Surely that which is now their main reliance would not have escaped the observation of such statesmen, had they then supposed it was in existence.

In view of all these considerations, the Undersigned respectfully submits that if Great Britain has valid claims to any portion of the Oregon territory, they must rest upon a better foundation than that of the Nootka Sound Convention.

It is far from the intention of the Undersigned to repeat the arguments by which his predecessor (Mr. Calhoun,) has demonstrated the American title "to the entire region drained by the Columbia river and its branches." He has shewn that to the United States belongs the discovery of the Columbia river, and that Captain Gray was the first civilized man who ever entered its mouth and sailed up its channel, baptising the river itself with the name of his vessel; that Messrs. Lewis and Clarke under a commission from their Government, first explored the waters of this river almost from its head springs to the Pacific, passing the winter of 1805–6 on its northern shore near the ocean; that the first settlement upon this river was made by a citizen of the United States at Astoria; and that the British Government solemnly recognized our right to the possession of this settlement, which had been captured during the war, by surrendering it up to the United States on the 6th day of October, 1818, in obedience to the treaty of Ghent. If the discovery of the mouth of a river, followed up within a reasonable time by the first exploration both of its main channel and its branches, and appropriated by the first settlements on its banks, do not constitute a title to the territory drained by its waters in the nation performing these acts, then the principles consecrated by the practice of civilized nations ever since the discovery of the New World, must have lost their force. These principles were necessary to preserve the peace of the world. Had they not been enforced in practice, clashing claims to newly discovered territory, and perpetual strife among the nations, would have been the inevitable result.

The title of the United States to the entire region drained by the Columbia river and its branches was perfect and complete before the date of the treaties of joint occupation, of October, 1818, and August, 1827; and under the express provisions of

these treaties, this title, whilst they endure, can never be impaired by any act of the British Government. In the strong language of the treaty of August, 1827, "nothing contained in this convention, or in the third article of the convention of October, 1818, hereby continued in force, shall be construed to impair, or in any manner affect, the claims which either of the contracting parties may have to any part of the country westward of the Stony or Rocky Mountains." Had not the convention contained this plain provision, which has prevented the respective parties from looking with jealousy on the occupation of portions of the territory, by the citizens and subjects of each other, its chief object, which was to preserve peace and prevent collisions in those distant regions, would have been entirely defeated. It is, then, manifest, that neither the grant of this territory for a term of years made by Great Britain to the Hudson Bay Company, in December, 1821, nor the extension of this grant in 1838, nor the settlements, trading posts, and forts which have been established by that company under it, can, in the slightest degree, strengthen the British, or impair the American, title to any portion of the Oregon territory. The British claim is neither better nor worse than it was on the 20th October, 1818, the date of the first convention.

The title of the United States to the valley of the Columbia is older than the Florida treaty of February, 1819, under which the United States acquired all the rights of Spain to the northwest coast of America, and exists independently of its provisions. Even supposing, then, that the British construction of the Nootka Sound Convention were correct, it could not apply to this portion of the territory in dispute. A convention between Great Britain and Spain originating from a dispute concerning a petty trading establishment at Nootka Sound, could not abridge the rights of other nations. Both in public and private law, an agreement between two parties can never bind a third, without his consent, either express or implied.

The extraordinary proposition will scarcely be again urged that our acquisition of the rights of Spain under the Florida treaty can in any manner weaken or impair our preëxisting title. It may often become expedient for nations as it is for individuals to purchase an outstanding title merely for the sake of peace; and it has never heretofore been imagined that the acquisition of such a new title rendered the old one less valid. Under this principle, a party having two titles would be confined to his worst, and

would forfeit his best. Our acquisition of the rights of Spain, then, under the Florida treaty, whilst it cannot affect the prior title of the United States to the valley of the Columbia, has rendered it more clear and unquestionable before the world. We have a perfect right to claim under both these titles; and the Spanish title alone, even if it were necessary to confine ourselves to it, would, in the opinion of the President, be good, as against Great Britain, not merely to the valley of the Columbia, but the whole territory of Oregon.

Our own American title to the extent of the valley of the Columbia, resting, as it does, on discovery, exploration, and possession—a possession acknowledged by a most solemn act of the British Government itself—is a sufficient assurance against all mankind; whilst our superadded title, derived from Spain, extends our exclusive rights over the whole territory in dispute, as against Great Britain.

Such being the opinion of the President in regard to the title of the United States, he would not have consented to yield any portion of the Oregon territory, had he not found himself embarrassed, if not committed, by the acts of his predecessors. They had uniformly proceeded upon the principle of compromise in all their negotiations. Indeed the first question presented to him after entering upon the duties of his office was whether he should abruptly terminate the negotiation which had been commenced and conducted between Mr. Calhoun and Mr. Pakenham on the principle avowed in the first protocol, not of contending for the whole territory in dispute, but of treating of the respective claims of the parties, "with the view to establish a permanent boundary between the two countries westward of the Rocky Mountains."

In view of these facts, the President has determined to pursue the present negotiation to its conclusion, upon the principle of compromise in which it commenced, and to make one more effort to adjust this long-pending controversy. In this determination he trusts that the British Government will recognize his sincere and anxious desire to cultivate the most friendly relations between the two countries, and to manifest to the world that he is actuated by a spirit of moderation. He has, therefore, instructed the Undersigned again to propose to the Government of Great Britain that the Oregon territory shall be divided between the two countries by the forty-ninth parallel of north latitude from the Rocky Mountains to the Pacific Ocean, offering, at the same time, to make free to Great Britain any port or ports on Van-

couver's Island south of this parallel which the British Government may desire. He trusts that Great Britain may receive this proposition in the friendly spirit by which it was dictated, and that it may prove the stable foundation of lasting peace and harmony between the two countries. The line proposed will carry out the principle of continuity equally for both parties, by extending the limits both of ancient Louisiana and Canada to the Pacific along the same parallel of latitude which divides them east of the Rocky Mountains; and it will secure to each a sufficient number of commodious harbors on the northwest coast of America.

The Undersigned avails himself of this occasion to renew to Mr. Pakenham the assurance of his distinguished consideration.

JAMES BUCHANAN.

THE RIGHT HON. RICHARD PAKENHAM, &c. &c. &c.

TO MR. RANTOUL.[1]

DEPARTMENT OF STATE,
WASHINGTON, July 12th 1845.

ROBERT RANTOUL, JR. ESQR.
U. S. Dist. Atty.
Dist. of Mass.
Boston.

SIR,

George William Gordon Esqr., Consul of the United States at Rio de Janeiro, has transmitted to this Department copies of all the Documents in his possession—of the Depositions taken by him, and of sundry correspondence with his Consulate. in relation to the Brig " Porpoise " and officers, and also to the officers of the late American Brig " Kentucky " charged with a violation of the laws of the U. States for the suppression of the Foreign Slave Trade.

These documents and others, of which a list is hereto annexed, are now sent for your use in the trial of these cases. Among them will be found Mr. Gordon's original Despatch No. 41, containing a summary of the evidence for your more convenient examination and also Duplicates of his Despatches Nos. 36, 38 & 39.

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[1] MSS. Department of State, Despatches to Consuls, XI. 390.

I will thank you, as soon as you shall have no further use for the papers enumerated, to return them to this Department, by some private opportunity.

I am Sir &c.

JAMES BUCHANAN.

TO MR. DOUGLASS.[1]

DEPARTMENT OF STATE,

THOMAS DOUGLASS ESQR. WASHINGTON 15 July 1845.

Atty. of the U. S.

for the Eastern Dist. of Florida.

SIR,

In a letter addressed to this Department, by the British Minister at Washington on the 7th inst. (a copy of which is enclosed) he states that reports have reached the British Government which afforded reason to believe, that in more than one instance during the last fifteen years vessels belonging to the Bahama Islands, with crews of colored persons, have been purposely wrecked on the coast of Florida, and the crews sold as slaves. Mr. Pakenham particularly refers to three cases—"The Three Sisters," "The Alexander" and the Sloop "Jane"—as vessels which are most generally believed, at the Bahama Islands, to have been feloniously destroyed, and suggests to this Government the propriety of taking such steps as may appear to be right and necessary to ascertain the particulars, and secure the ends of justice in these cases.

I have accordingly to request that you will institute a most strict and careful enquiry into the facts and circumstances of these several cases, with the view of obtaining all the information necessary to a full & perfect understanding of them—and if it shall prove, on examination, that there are sufficient grounds for the reports in question, that you will immediately adopt such measures as may in your opinion be best calculated to secure the ends of justice and vindicate the violated laws.

Be pleased to report to this Department the result of your enquiries in the cases referred to in Mr. Pakenham's note; and also the subsequent proceedings, if any, which you may have occasion to adopt.

I am very respy.

JAMES BUCHANAN.

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[1] MSS. Department of State, 35 Domestic Letters, 244.

TO MR. ROGERS.[1]

DEPARTMENT OF STATE,
WASHINGTON July 16, 1845.

WM. H. ROGERS ESQRE.
U. S. Atty, Delaware Dist.
Wilmington.

SIR,

I have just received your favor of yesterday, and hasten to give it an answer.

Much must depend upon your own judgment and discretion as to the proper mode of conducting the prosecution against Gray. The offence with which he is charged is one of great aggravation, and the chief object of the Government in his prosecution is to punish him for his crime, if he be guilty. You will be expected to use your utmost exertions to bring him to trial, and not suffer him to escape from justice. The expense of the Witnesses, although considerable, is but a small matter when compared with the punishment of a man, if he be guilty, who has disgraced his Country by violating the laws of the United States against the Slave Trade.

I am, Sir, Respectfully &c.

JAMES BUCHANAN.

CONFERENCE, JULY 16, 1845,

WITH THE BRITISH MINISTER.[2]

The seventh conference was held at the Department of State on the 16th of July, 1845, between the Hon. James Buchanan, Secretary of State, the American plenipotentiary, and the Right Honorable Richard Pakenham, the British plenipotentiary, when the pending negotiation respecting the Oregon territory was resumed. The American plenipotentiary presented to the British plenipotentiary a statement, marked J. B., bearing date 12th July, 1845,[3] made in compliance with the request of the latter, contained in his statement marked D, that the American plenipotentiary would propose an arrangement for an equitable adjust-

[1] MSS. Department of State, Despatches to Consuls, XI. 393.

[2] H. Ex. Doc. 2, 29 Cong. 1 Sess. 145. The six preceding conferences were between Mr. Calhoun, as Secretary of State, and Mr. Pakenham.

[3] See supra, under the date named, where the statement is given.

ment of the question; and also define the nature and extent of the claims of the United States to the territory north of the valley of the Columbia.

JAMES BUCHANAN.
R. PAKENHAM.

TO MISS LANE.[1]

WASHINGTON 17 July 1845.

MY DEAR HARRIET/

Although I should most gladly have you with me yet I can not ask you to come here in this excessive heat. I have never felt the heat so oppressive as it has been for some time past: and I should fear you might become sick were you to visit Washington. Besides, you could not have any enjoyment.

I entertain a hope that I may be able to visit Bedford about the first of August. In that event, I should be willing to take you along with me. But whether it will be in my power to leave this city is still uncertain. Please to write to me how you intend to spend your vacation & where a letter would reach you. Should the heat moderate, I still hope to see you in Washington.

Yours affectionately,

JAMES BUCHANAN.

MISS HARRIET R. LANE.

TO MR. RANTOUL.[2]

DEPARTMENT OF STATE,

ROBT. RANTOUL ESQR. WASHINGTON July 21 1845.
U. S. Dist. Atty.—
Boston.

SIR,

I transmit a copy, in translation, of a note addressed to this Department on the 7th inst. by Baron Von Gerolt the Minister of Prussia, which will sufficiently explain itself. On receipt of this communication, you will be good enough to ascertain the circumstances of the case and report them to this Department.

[1] Buchanan Papers, private collection; Curtis's Buchanan, I. 538.

[2] MSS. Department of State, 35 Domestic Letters, 251. As to the case here referred to, see Moore, Digest of International Law, V. 223.

A Treaty being the supreme law of the land, and in this case its provisions being clear and explicit, I presume there must be some mistake in the matter. Judge Story could not, I think, have decided that an Act of Congress was necessary to enable him to execute judicially such a provision as that contained in the eleventh Article of the Treaty. No similar difficulty has, I believe, ever heretofore occurred.

I am &c.

JAMES BUCHANAN.

CIRCULAR TO THE DIPLOMATIC OFFICERS OF THE UNITED STATES.[1]

(No. 21.) DEPARTMENT OF STATE,
WASHINGTON, July 25, 1845.

SIR:

In order to prevent the occurrence of improper items in the accounts for contingent expenses of the several Legations of the United States in foreign countries, diplomatic agents will take care to bear in mind, that any charge made for the objects hereinafter enumerated are deemed inadmissible and will not be allowed, viz.: office rent; messenger's wages; fuel and candles for office, except to the Legations at London and Paris; office furniture, with the exception of cases for the preservation of the archives, &c., of the Legation; repairs of office; printing, with the exception of blanks for passports; printed books; maps; clerk hire; copying or translating, except for copies or translations made by order of the Department; donations or contributions to charitable objects; and carriage hire.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

WILLIAM R. KING, ESQRE.,
&c., &c., &c.

P. S.—It is not intended by this circular to interfere with the allowance which has for a long time been made for office rent, &c., to the Legations at London and Paris.

J. B.

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[1] MSS. Department of State, Instructions, France, XV. 34. The postscript was added only to the circulars sent to Mr. King, at Paris, and to Mr. McLane, at London.

TO MISS LANE.[1]

WASHINGTON 27 July 1845.

MY DEAR HARRIET/

I believe, although I am not yet quite certain, that I shall be able to leave here for the Bedford Springs on Thursday next. I shall be glad if you will accompany me. Unless you hear from me, in the mean time, you may be at Harpers Ferry on Thursday before the cars pass from Baltimore to Cumberland. If I should not be able to go on that day, *you may still be there.* Mrs. Pleasonton, Miss Pleasonton & Mrs. Bancroft will take charge of you to Bedford; & there you will find Mr. & Mrs. Plitt, under whose care I will place you until I can reach the Springs myself. Still I hope to be able to go on Thursday. Of course you will get some one of your friends to accompany you from Charleston to Harpers Ferry. Please to write to me immediately on the receipt of this.

Yours affectionately,

JAMES BUCHANAN.

MISS HARRIET R. LANE.

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[1] Buchanan Papers, private collection; Curtis's Buchanan, I. 538. Curtis adds that the Mrs. Pleasonton referred to was the "wife of the Hon. Stephen Pleasonton, for very many years Fifth Auditor of the Treasury Department. He possessed the entire confidence of all administrations." Stephen Pleasonton, a native of Delaware, held the office of Fifth Auditor of the Treasury from 1817 to 1855, a period of thirty-eight years, as Lanman, in his Biographical Annals, says, "with advantage to the government and honor to himself." J. Buchanan Henry, Esq., in a letter to the editor, says: "His (Mr. Pleasonton's) name deserves to be remembered by the American people. I have heard President Buchanan say of him that such was his reputation for uprightness and ability that, when claims of complexity were presented before the Senate, they were usually referred to Mr. Stephen Pleasonton for examination and report, and that his decision was unhesitatingly accepted. He should be largely credited with the excellent light-house system of the United States. When I knew him, he was of course, a very old gentleman. His son was Alfred Pleasonton, general of cavalry during the Civil War; and another son was General Augustus Pleasonton, of Philadelphia. One of his daughters, Miss Clementine Pleasonton, was a famous beauty of Washington. They were all warm personal friends of President Buchanan."

TO MR. CAZENOVE.[1]

DEPARTMENT OF STATE,
WASHINGTON, 28th July, 1845.

ANT. CHS. CAZENOVE, ESQRE.,
&c. &c. &c.

DEAR SIR:

I have received yours of the 25th Instant and hasten to give it an answer.

I have consulted the President upon the subject of it, who cordially reciprocates the desire expressed by you, on behalf of the Government of the Swiss confederation, to draw closer the ties of friendship now so happily subsisting between the two Republics, by means of Treaty stipulations. He has accordingly requested me to inform you, unofficially, that whenever you may be invested with full powers for that purpose, he can at present perceive no objection to the conclusion of a Treaty, between the two Powers, on the basis which you have suggested;—that is to say, that the products and manufactures of the United States shall be received into Switzerland entirely free from duty; provided the products and manufactures of Switzerland shall pay no higher duty when imported into the United States, than those of the most favored nation.

I have examined Mr. Livingston's Treaty of 6th March, 1835, to which I referred in our conversation, and which was rejected by the Senate. It seems to me to be equally desirable for both parties to adopt a similar convention. So many of the citizens of Switzerland have emigrated to the United States, that both real and personal estates in the one country, must often descend to the citizens of the other. The rights of these respective citizens can be best secured by Treaty. Indeed, constituted as both Republics are, of separate sovereign States, varying from each other in their domestic institutions, it is almost indispensable to the security of the rights of their respective citizens, that these should be recorded and regulated by a Treaty, which would render the rule uniform throughout the whole. I trust, therefore, that your full powers may embrace this object.

I would suggest the following as the form of an article to

[1] MSS. Department of State, Notes to German States, VI. 114. Mr. Cazenove was Swiss consul at Alexandria, then in the District of Columbia.

embrace the case,—which is copied from our late Treaties with other nations, on this important subject.—

"The citizens of each of the contracting Parties," &c. [See VIII. art. of Treaty with the Peru-Bolivian Confederation, Pamphlet Laws, 3rd Session, 25th Congress, page 16, Appendix.]

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO MR. DONELSON.[1]

(No. 10.) DEPARTMENT OF STATE,
WASHINGTON, 28th July, 1845.

SIR: Your despatches to the 7th instant, inclusive, have been received.

The President has informed me that in a private letter to him you have earnestly renewed your request for permission to return to the United States. In answer, he has instructed me to say, that the annexation of Texas to the United States having been happily accomplished so far as depends upon the action of that Republic, your request is now granted. Accordingly your letter of recall is herewith transmitted.

The President directs me to reiterate his cordial approbation of your conduct throughout your mission, and to say that, from your well-known patriotism, he is assured you will not leave Texas should any event have in the meantime occurred which might render your longer presence necessary.

I am, Sir, very respectfully, Your obedient servant,

JAMES BUCHANAN.

To A. J. DONELSON, ESQUIRE, &c. &c. &c.

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[1] MSS. Department of State, Instructions, Texas, I. 128; S. Doc. 1, 29 Cong. 1 Sess. 45; H. Ex. Doc. 2, 29 Cong. 1 Sess. 137.

TO MR. ELLSWORTH.[1]

(No. 2.) DEPARTMENT OF STATE,
WASHINGTON, 28th July, 1845.

HENRY W. ELLSWORTH, ESQRE.,
&c., &c., Stockholm.

SIR:

I have received the letter of your predecessor, dated the 4th ultimo, (No. 39.), together with its enclosures, informing me that the Government of Sweden having decided to sell the Island of Saint Bartholomew, in the West-Indies, the National Legislature had empowered the King to make the sale, and that an informal overture had been made to Mr. Lay, on the part of His Swedish Majesty, to dispose of this Island to the United States for a pecuniary consideration.

I have not failed to submit to the President, for his consideration, the communication above referred to, and am directed to state to you, in reply, that the acquisition of distant insular possessions for Colonial dependencies, has never been deemed desirable or expedient by the United States; and that the President sees no sufficient inducement in the proposition presented on the part of the Swedish Government to lead him to depart from the policy which has heretofore been observed in this regard. Whilst duly appreciating the friendly motives which have prompted this overture, the President therefore declines to treat for the purchase of the Island of Saint Bartholomew.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

FROM MR. PAKENHAM.[2]

R.P.

WASHINGTON, July 29, 1845.

Notwithstanding the prolix discussion which the subject has already undergone, the undersigned, her Britannic majesty's envoy extraordinary and minister plenipotentiary, feels obliged to place on record a few observations

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[1] MSS. Department of State, Instructions, Sweden, XIV. 24. Mr. Ellsworth was commissioned from Indiana, April 19, 1845, as chargé d'affaires to Sweden and Norway. He left Stockholm, July 25, 1845.

[2] S. Doc. 1, 29 Cong. 1 Sess. 170; H. Ex. Doc. 2, 29 Cong. 1 Sess. 170.

in reply to the statement, marked J. B., which he had the honor to receive, on the 16th of this month, from the hands of the Secretary of State of the United States, terminating with a proposition on the part of the United States for the settlement of the Oregon question.

In this paper it is stated that "the title of the United States to that portion of the Oregon Territory between the valley of the Columbia and the Russian line, in 54° 40′ north latitude, is recorded in the Florida treaty. Under this treaty, dated on 22d February, 1819, Spain ceded to the United States all her rights, claims, and pretensions to any territories west of the Rocky mountains and north of the 42d parallel of latitude. We contend," says the Secretary of State, "that at the date of this convention, Spain had a good title, as against Great Britain, to the whole Oregon territory; and, if this be established, the question is then decided in favor of the United States," the convention between Great Britain and Spain, signed at the Escurial on the 28th October, 1790, notwithstanding.

"If," says the American plenipotentiary, "it should appear that this treaty was transient in its very nature; that it conferred upon Great Britain no right but that of merely trading with the Indians, whilst the country should remain unsettled, and making the necessary establishments for this purpose; that it did not interfere with the ultimate sovereignty of Spain over the territory; and, above all, that it was annulled by the war between Spain and Great Britain, in 1796, and has never since been renewed by the parties—then the British claim to any portion of the territory will prove to be destitute of foundation."

The undersigned will endeavor to show, not only that when Spain concluded with the United States the treaty of 1819, commonly called the Florida treaty, the convention concluded between the former power and Great Britain in 1790, was considered by the parties to it to be still in force, but even that if no such treaty had ever existed, Great Britain would stand, with reference to a claim to the Oregon territory, in a position at least as favorable as the United States.

The treaty of 1790 is not appealed to by the British government, as the American plenipotentiary seems to suppose, as their "main reliance" in the present discussion. It is appealed to to show, that, by the treaty of 1819, by which "Spain ceded to the United States all her rights, claims, and pretensions to any territories west of the Rocky mountains and north of the 42d parallel of latitude," the United States acquired no right to exclusive dominion over any part of the Oregon territory.

The treaty of 1790 embraced, in fact, a variety of objects. It partook, in some of the stipulations, of the nature of a commercial convention: in other respects, it must be considered as an acknowledgement of existing rights—an admission of certain principles of international law not to be revoked at the pleasure of either party, or to be set aside by a cessation of friendly relations between them.

Viewed in the former light, its stipulations might have been considered as cancelled in consequence of the war which subsequently took place between the contracting parties, were it not, that, by the treaty concluded at Madrid on 28th August, 1814, it was declared that all the treaties of commerce which subsisted between the two nations (Great Britain and Spain) in 1796 were thereby ratified and confirmed.

In the latter point of view, the restoration of a state of peace was of itself sufficient to restore the admissions contained in the convention of 1790 to their full original force and vigor.

There are, besides, very positive reasons for concluding that Spain did not consider the stipulations of the Nootka convention to have been revoked by the war of 1796, so as to require, in order to be binding on her, that they should have been expressly revived or renewed, on the restoration of peace between the two countries. Had Spain considered that convention to have been annulled by the war—in other words, had she considered herself restored to her former position and pretensions with respect to exclusive dominion over the unoccupied parts of the North American continent—it is not to be imagined that she would have passively submitted to see the contending claims of Great Britain and the United States to a portion of that territory, the subject of negotiation and formal diplomatic transactions between those two nations.

It is, on the contrary, from her silence with respect to the continued occupation by the British of their settlements in the Columbia territory, subsequently to the convention of 1814, and when as yet there had been no transfer of her rights, claims, or pretensions to the United States, and from her silence also while important negotiations respecting the Columbia territory, incompatible altogether with her ancient claim to exclusive dominion, were in progress between Great Britain and the United States, fairly to be inferred that Spain considered the stipulations of the Nootka convention, and the principles therein laid down, to be still in force.

But the American plenipotentiary goes so far as to say that the British government itself had no idea, in 1818, that the Nootka Sound convention was then in force, because no reference was made to it on the part of England during the negotiation of that year on the Oregon question.

In reply to this argument, it will be sufficient for the undersigned to remind the American plenipotentiary that in the year 1818 no claim, as derived from Spain, was or could be put forth by the United States, seeing that it was not until the following year (the year 1819) that the treaty was concluded by which Spain transferred to the United States her rights, claims, and pretensions to any territories west of the Rocky mountains and north of the 42d parallel of latitude.

Hence it is obvious that in the year 1818 no occasion had arisen for appealing to the qualified nature of the rights, claims, and pretensions so transferred—a qualification imposed, or at least recognised, by the convention of Nootka.

The title of the United States to the valley of the Columbia, the American plenipotentiary observes, is older than the Florida treaty of February, 1819, and exists independently of its provisions. Even supposing, then, that the British construction of the Nootka Sound convention was correct, it could not apply to this portion of the territory in dispute.

The undersigned must be permitted respectfully to inquire upon what principle, unless it be upon the principle which forms the foundation of the Nootka convention, could the United States have acquired a title to any part of the Oregon territory previously to the treaty of 1819, and independently of its provisions?

By discovery, exploration, settlement, will be the answer.

But, says the American plenipotentiary in another part of his statement,

the rights of Spain to the west coast of America, as far north as the 61st degree of latitude, were so complete as never to have been seriously questioned by any European nation.

They had been maintained by Spain with the most vigilant jealousy ever since the discovery of the American continent, and had been acquiesced in by all European powers. They had been admitted even by Russia; and that, too under a sovereign peculiarly tenacious of the territorial rights of her empire, who, when complaints had been made to the court of Russia against Russian subjects, for violating the Spanish territory on the northwest coast of America, did not hesitate to assure the king of Spain that she was extremely sorry that the repeated orders, issued to prevent the subjects of Russia from violating in the smallest degree the territory belonging to another power, should have been disobeyed.

In what did this alleged violation of territory consist? Assuredly in some attempted acts of discovery, exploration, or settlement. At that time Russia stood in precisely the same position with reference to the exclusive rights of Spain as the United States; and any acts in contravention of those rights, whether emanating from Russia or from the United States, would necessarily be judged by one and the same rule.

How, then, can it be pretended that acts which, in the case of Russia, were considered as criminal violation of the Spanish territory, should, in the case of citizens of the United States, be appealed to as constituting a valid title to the territory affected by them? And yet, from this inconsistency the American plenipotentiary cannot escape, if he persists in considering the American title to have been perfected by discovery, exploration, and settlement, when as yet Spain had made no transfer of her rights, if, to use his own words, "that title is older than the Florida treaty, and exists independently of its provisions."

According to the doctrine of exclusive dominion, the exploration of Lewis and Clarke, and the establishment founded at the mouth of the Columbia, must be condemned as encroachments on the territorial rights of Spain.

According to the opposite principle, by which discovery, exploration, and settlement are considered as giving a valid claim to territory, those very acts are referred to, in the course of the same paper, as constituting a complete title in favor of the United States.

Besides, how shall we reconcile this high estimation of the territorial rights of Spain, considered independently of the Nootka Sound convention, with the course observed by the United States in their diplomatic transactions with Great Britain, previously to the conclusion of the Florida treaty? The claim advanced for the restitution of Fort George, under the first article of the treaty of Ghent, the arrangement concluded for the joint occupation of the Oregon territory by Great Britain and the United States, and, above all, the proposal actually made on the part of the United States for a partition of the Oregon territory—all which transactions took place in the year 1818, when, as yet, Spain had made no transfer or cession of her rights—appear to be as little reconcilable with any regard for those rights while still vested in Spain, as the claim founded on discovery, exploration, and settlement accomplished previously to the transfer of those rights to the United States.

Supposing the arrangement proposed in the year 1818, or any other arrangement, for the partition of the Oregon territory to have been con-

cluded in those days between Great Britain and this country, what would, in that case, have become of the exclusive rights of Spain?

There would have been no refuge for the United States but in an appeal to the principles of the Nootka convention.

To deny, then, the validity of the Nootka convention, is to proclaim the illegality of any title founded on discovery, exploration, or settlement previous to the conclusion of the Florida treaty.

To appeal to the Florida treaty as conveying to the United States any exclusive rights, is to attach a character of encroachment and of violation of the rights of Spain to every act to which the United States appealed in the negotiation of 1818, as giving them a claim to territory on the northwest coast.

These conclusions appear to the undersigned to be irresistible.

The United States can found no claim on discovery, exploration, and settlement effected previously to the Florida treaty, without admitting the principles of the Nootka convention, and the consequent validity of the parallel claims of Great Britain founded on like acts; nor can they appeal to any exclusive right as acquired by the Florida treaty, without upsetting all claims adduced in their own proper right, by reason of discovery, exploration, and settlement antecedent to that arrangement.

The undersigned trusts that he has now shown that the convention of 1790 (the Nootka Sound convention) has continued in full and complete force up to the present moment—

By reason, in the first place, of the commercial character of some of its provisions, as such expressly renewed by the convention of August, 1814, between Great Britain and Spain;—

By reason, in the next place, of the acquiescence of Spain in various transactions, to which it is not to be supposed that that power would have assented, had she not felt bound by the provisions of the convention in question;—

And, thirdly, by reason of repeated acts of the government of the United States, previous to the conclusion of the Florida treaty, manifesting adherence to the principles of the Nootka convention, or at least dissent from the exclusive pretensions of Spain.

Having thus replied—and he hopes satisfactorily—to the observations of the American plenipotentiary with respect to the effect of the Nootka Sound convention, and the Florida treaty, as bearing upon the subject of the present discussion, the undersigned must endeavor to show that even if the Nootka Sound convention had never existed, the position of Great Britain in regard to her claim, whether to the whole or to any particular portion of the Oregon territory, is at least as good as that of the United States.

This branch of the subject must be considered, first, with reference to principle—to the right of either party, Great Britain or the United States, to explore or make settlements in the Oregon territory without violation of the rights of Spain; and next, supposing the first to be decided affirmatively, with reference to the relative value and importance of the acts of discovery, exploration, and settlements effected by each.

As relates to the question of principle, the undersigned thinks he can furnish no better argument than that contained in the following words, which he has already once quoted from the statement of the American plenipotentiary:

"The title of the United States to the valley of the Columbia is older than the Florida treaty of February, 1819, under which the United States acquired all the rights of Spain to the northwest coast of America, and exists independently of its provisions." And again, "the title of the United States to the entire region drained by the Columbia river and its branches was perfect and complete before the date of the treaties of joint occupancy of October, 1818, and August, 1827."

The title thus referred to must be that resting on discovery, exploration, and settlement.

If this title, then, is good, or rather was good, as against the exclusive pretensions of Spain, previously to the conclusion of the Florida treaty, so must the claims of Great Britain, resting on the same grounds, be good also.

Thus, then, it seems manifest that, with or without the aid of the Nootka Sound convention, the claims of Great Britain resting on discovery, exploration, and settlement, are, in point of principle, equally valid with those of the United States.

Let us now see how the comparison will stand when tried by the relative value, importance, and authenticity of each.

Rejecting previous discoveries north of the 43d parallel of latitude as not sufficiently authenticated, it will be seen, on the side of Great Britain, that in 1778 Captain Cook discovered Cape Flattery, the southern entrance of the Straits of Fuca. Cook must also be considered the discoverer of the Nootka Sound, in consequence of the want of authenticity in the alleged previous discovery of that port by Perez.

In 1787, Captain Berkeley, a British subject, in a vessel under Austrian colors, discovered the Straits of Fuca.

In the same year, Captain Duncan, in the ship "Princess Royal," entered the straits and traded at the village of Classet.

In 1788, Meares, a British subject, formed the establishment at Nootka which gave rise to the memorable discussion with the Spanish government, ended in the recognition, by that power, of the right of Great Britain to form settlements in the unoccupied parts of the northwest portion of the American continent, and in an engagement, on the part of Spain, to reinstate Meares in the possession from which he had been ejected by the Spanish commanders.

In 1792, Vancouver, who had been sent from England to witness the fulfilment of the above mentioned engagement, and to effect a survey of the northwest coast, departing from Nootka Sound, entered the Straits of Fuca, and after an accurate survey of the coasts and inlets on both sides, discovered a passage northwards into the Pacific, by which he returned to Nootka, having thus circumnavigated the island which now bears his name. And here we have, as far as relates to Vancouver's island, as complete a case of discovery, exploration, and settlement, as can well be presented, giving to Great Britain, in any arrangement that may be made with regard to the territory in dispute, the strongest possible claim to the exclusive possession of that island.

While Vancouver was prosecuting discovery and exploration by sea, Sir Alexander Mackenzie, a partner in the Northwest Company, crossed the Rocky mountains, discovered the head waters of the river since called Frazer's river, and, following for some time the course of that river, effected a passage to the sea; being the first civilized man who traversed the con-

tinent of America from sea to sea in those latitudes. On the return of Mackenzie to Canada, the Northwest Company established trading posts in the country to the westward of the Rocky mountains.

In 1806 and 1811, respectively, the same company established posts on the Tacoutché Tessé, and the Columbia.

In the year 1811, Thompson, the astronomer of the Northwest Company, discovered the northern head waters of the Columbia, and, following its course till joined by the rivers previously discovered by Lewis and Clarke, he continued his journey to the Pacific.

From that time until the year 1818, when the arrangement for the joint occupance of the territory was concluded, the Northwest Company continued to extend their operations throughout the Oregon territory, and to "occupy," it may be said, as far as occupation can be effected in regions so inaccessible and destitute of resources.

While all this was passing, the following events occurred, which constitute the American claim in their own proper right.

In 1792 Gray entered the mouth of the Columbia river.

In 1805, Lewis and Clarke effected a passage across the Rocky mountains, and, discovering a branch of the Columbia river, followed it until they reached the ocean.

In 1811 the trading post or settlement of Astoria was established at the mouth of the Columbia, on the southern side of that river.

This post or settlement passed, during the last war, into British hands, by the voluntary act of the persons in charge of it—a fact most clearly established. It was restored to the United States in 1818, with certain well authenticated reservations; but it was never actually reoccupied by American citizens, having, from the moment of the original transfer or sale, continued to be occupied by British subjects.

These are the acts of discovery, exploration, and settlement referred to by the United States as giving them a claim to the valley of the Columbia, in their own proper right.

The British government are disposed to view them in the most liberal sense, and to give to them the utmost value to which they can in fairness be entitled; but there are circumstances attending each and all of them which must, in the opinion of any impartial investigator of the subject, take from them a great deal of the effect which the American negotiators assign to them, as giving to this country a claim to the entire region drained by the Columbia and its branches.

In the first place, as relates to the discovery of Gray, it must be remarked that he was a private navigator, sailing principally for the purposes of trade; which fact establishes a wide difference, in a national point of view, between the discoveries accomplished by him and those effected by Cook and Vancouver, who sailed in ships of the royal navy of Great Britain and who were sent to the northwest coast for the express purpose of exploration and discovery.

In the next place, it is a circumstance not to be lost sight of, that it was not for several years followed up by any act which could give it value in a national point of view; it was not in truth made known to the world, either by the discoverer himself or by his government. So recently as the year 1826, the American plenipotentiaries in London remarked, with great cor-

rectness, in one of their reports, that, "respecting the mouth of the Columbia river, we know nothing of Gray's discoveries but through British accounts."

In the next place, the connexion of Gray's discovery with that of Lewis and Clarke is interrupted by the intervening exploration of Lieutenant Broughton, of the British surveying ship "Chatham."

With respect to the expedition of Lewis and Clarke, it must, on a close examination of the route pursued by them, be confessed that neither on their outward journey to the Pacific, nor on their homeward journey to the United States, did they touch upon the head waters of the principal branch of the Columbia river, which lie far to the north of the parts of the country traversed and explored by them.

Thompson, of the British Northwest Company, was the first civilized person who navigated the northern (in reality the main) branch of the Columbia, or traversed any part of the country drained by it.

It was by a tributary of the Columbia that Lewis and Clarke made their way to the main stream of that river, which they reached at a point distant, it is believed, not more than two hundred miles from the point to which the river had already been explored by Broughton.

These facts, the undersigned conceives, will be found sufficient to reduce the value of Lewis and Clarke's exploration on the Columbia to limits which would by no means justify a claim to the whole valley drained by that river and its branches.

As to settlement, the qualified nature of the rights devolved to the United States by virtue of the restitution of Fort Astoria has already been pointed out.

It will thus be seen, the undersigned confidently believes, that, on the grounds of discovery, exploration, and settlement, Great Britain has nothing to fear from a comparison of her claims to the Oregon territory, taken as a whole, with those of the United States;—

That, reduced to the valley drained by the Columbia, the facts on which the United States rest their case are far from being of that complete and exclusive character which would justify a claim to the whole valley of the Columbia; and that, especially as relates to Vancouver's island, taken by itself, the preferable claim of Great Britain, in every point of view, seems to have been clearly demonstrated.

After this exposition of the view entertained by the British government respecting the relative value and importance of the British and American claims, the American plenipotentiary will not be surprised to hear that the undersigned does not feel at liberty to accept the proposal offered by the American plenipotentiary for the settlement of the question.

This proposal, in fact, offers less than that tendered by the American plenipotentiaries in the negotiation of 1826, and declined by the British government.

On that occasion it was proposed that the navigation of the Columbia should be made free to both parties.

On this, nothing is said in the proposal to which the undersigned has now the honor to reply; while, with respect to the proposed freedom of the ports on Vancouver's island, south of latitude 49°, the facts which have been appealed to in this paper, as giving to Great Britain the strongest claim to the possession of the whole island, would seem to deprive such a proposal of any value.

The undersigned, therefore, trusts that the American plenipotentiary will be prepared to offer some further proposal for the settlement of the Oregon question more consistent with fairness and equity, and with the reasonable expectations of the British government, as defined in the statement marked D, which the undersigned had the honor to present to the American plenipotentiary at the early part of the present negotiation.

The undersigned, British plenipotentiary, has the honor to renew to the honorable James Buchanan, Secretary of State and plenipotentiary of the United States, the assurance of his high consideration.

R. PAKENHAM.

HON. JAMES BUCHANAN,
&c. &c. &c.

TO MR. PAKENHAM.[1]

DEPARTMENT OF STATE,
WASHINGTON, 31st July, 1845.

THE RIGHT HONBLE. R. PAKENHAM,
&c., &c., &c.

SIR:

I have received your note of the 25th ultimo, referring to the ninth article of the treaty of Washington, and to the various proceedings which Her Majesty's Government have taken in conformity with its provisions as published in the papers relative to the Slave Trade, and which have been submitted to Parliament since the conclusion of that treaty. These papers, as you correctly presume, are in the possession of the Department.

"But Her Majesty's Government," you remark, "are not yet acquainted with the measures which the United States Government may have thought it expedient to adopt in fulfilment of the same provisions," and you have been accordingly instructed to request me to furnish you with any information relative to this subject which it may be desirable and useful that Her Majesty's Government should possess.

I have the honor to state in reply, that in August, 1843, the attention of Mr. Proffit, appointed Envoy Extraordinary and Minister Plenipotentiary of the United States to Brazil, was particularly invited to the ninth article of our recent treaty with Great Britain, and he was instructed to hold himself in readiness to unite with the Minister of Great Britain "in all becoming representations and remonstrances" which it might be necessary

[1] MSS. Department of State, Notes to Great Britain, VII. 70.

to make to the Brazilian Government on the subject of it; but at the same time was cautioned to do so only upon proper grounds and in a befitting manner; as the matter was one of great delicacy in itself; and a Government that did not feel that it was fairly liable to the suspicion of allowing the sale of slaves would be justly offended at such a gratuitous remonstrance on the part of other Governments. Mr. Proffit, who remained at Rio de Janeiro less than one year, made no communication to the Imperial Government on the subject. He was succeeded in the Legation by Mr. Wise, who, in May, 1844, was referred to the instructions of his immediate predecessor; but it does not appear from the correspondence of the latter with this Department that any representations have been addressed by him to the Brazilian Government having direct reference to the provisions of the ninth article of the treaty of Washington; although he and also the Consuls of the United States at Rio de Janeiro have been zealous and indefatigable in their exertions to prevent the abuse of the American flag in covering the African Slave Trade, and in bringing to justice citizens of the United States supposed to be concerned in any manner in that odious traffic.

I avail myself of this occasion to renew to you the assurance of my high consideration.

JAMES BUCHANAN.

TO MESSRS. DAVIS ET AL.[1]

DEPARTMENT OF STATE,
WASHINGTON 1. August 1845.

MESSRS. DAVIS, BROOKS & CO.
New York.

GENTLEMEN.

I have the honor to acknowledge the receipt of your letter, requesting the intervention of this Department with the Government of Texas, in the case of Captain Dennison, a fugitive from justice now residing at Galveston.

Your application was duly considered by the President shortly after its receipt, who decided that in the absence of conventional stipulations between the United States and that country, providing for mutual surrender of fugitive criminals, he did not

[1] MSS. Department of State, 35 Domestic Letters, 261.

feel at liberty to make a requisition in the case referred to. If indeed the Executive, under ordinary circumstances, were disposed to waive his objections to the proposed proceedings, our relations with Texas at present are of a character so peculiar, and delicate, that he would still feel great reluctance in moving in this matter. There is, besides, every reason to believe that Mr. Donelson. who has asked and obtained permission to return home, will have left Texas, before a despatch from this Department could reach him; and consequently that any instructions now addressed to him on the subject would prove abortive.

I am &c.

JAMES BUCHANAN.

TO MESSRS. SHAW ET AL.[1]

DEPARTMENT OF STATE,
WASHINGTON 1. August 1845.

MESSRS. ROBT. G. SHAW & Co.	Boston
WM. HORRELL & SON	Baltimore
BEVAN & HUMPHREYS MASON & KIRKLAND A. H. ROBERTS & Co.	Philadelphia
KELLY AND CUNNINGHAM	New Orleans
VICTOR DE LA COVA	Venezuela

GENTLEMEN,

I have to acknowledge the receipt of your letter of the 9th inst., requesting that an instruction may be addressed to the Chargé d'Affaires of the United States in Venezuela, directing him to apply to that Government for an order to the Venezuelan courts of law, thoroughly to investigate the Bankruptcy of Foster and Manson of La Guyra, and Foster Sons & Co. of Puerto Cabello, of whom you represent yourselves creditors.

In reply I have to state that, under existing circumstances, it is not deemed expedient to comply with your request. An application to the Venezuelan Government of the character referred to, would imply a distrust on our part of the judicial tribunals of that country, and of their disposition to carry into effect the 13th article of our treaty with that republic, a transcript of which is subjoined. If, in prosecuting your rights before

[1] MSS. Department of State, 35 Domestic Letters, 262.

those tribunals, you shall have just cause to complain of a disregard by them of the stipulations of the treaty, this Department will cause suitable remonstrances upon the subject to be addressed to the Venezuelan Executive.

But although it would be premature to act officially in your behalf, if you were to apply directly to Mr. B. G. Shields, the Chargé d'Affaires of the United States at Caracas, I have no doubt that he would, so far as he might deem it proper, cheerfully use his good offices with that Government for the protection of your interests.

I am, &c.—

JAMES BUCHANAN.

FROM PRESIDENT POLK.[1]

(*Private.*)

WASHINGTON CITY 7th August 1845.

MY DEAR SIR:

I enclose to you a letter from *Mr. Bancroft*, and will add to what he has said, that the information from Mexico comes in so authentic a shape as to entitle it to entire credit. The strong probability is that a Mexican army of eight or ten thousand men are now on the western borders of Texas. Should they cross the *Del Norte*, as no doubt they will, our force at present in the country will be inadequate to resist them in their march upon Texas. Orders will be issued to day, to increase our force as far as our disposable troops will enable us to do so. The necessary despatches from your Department to *Majr. Donelson*, or (in the event he has left the country), to the U. S. Consul at Galveston, will of course be prepared by *Mr. Mason*. I wish it were so, that while these important steps are being taken, we could have the benefit of your advice.

Before you left you requested me to inform you, if anything should occur which in my judgment would make it necessary for you to return earlier than you intended. We are in daily expectation of receiving further information from Mexico, which may, and probably will, confirm the statement given you by *Mr. Bancroft*. The news of the action of the Convention of Texas was despatched from New Orleans to Vera Cruz by the Mexican Consul on the 15th ultimo,—and would probably be conveyed to the City of Mexico by the 21st or 22d. Upon receiving this information, some decisive action no doubt took place.

In addition to these reasons, which make it very desirable to have the benefit of your counsel, I must confess that the developments which are taking place, as well as my daily reflections, make it, in my opinion, more and more important that we should progress without delay in the Oregon

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[1] Buchanan Papers, Historical Society of Pennsylvania; Curtis's Buchanan, I. 589

negotiation. You may consider me impatient on this subject. I do not consider that I am so, but still I have a great desire, that what is contemplated should be done as soon as it may suit your convenience. I have felt great reluctance in saying thus much, because I desired not to interfere with your arrangements during the short recreation which you have taken from your arduous labours.

I am very faithfully and truly your friend

JAMES K. POLK.

P. S. If you determine to anticipate the period of your return to Washington, you will see the propriety of leaving Bedford in a way to produce no public sensation, as to the cause of your sudden departure. That it may not be known that you leave on receiving a letter from me, I will not place my frank on this letter. Yrs. &c. J. K. P.

FROM MR. BANCROFT.[1]

WASHINGTON August 7. 1845.

MY DEAR MR. BUCHANAN,

You remember I told you, before you left, that Baron Gerolt[2] predicted war on the part of Mexico. Yesterday morning, at the President's request, I went to see him, and found him very ready to communicate all his intelligence, concealing only the name of his informant, and desiring that his own name may not be used.

His letters came by way of Havana & Charleston, S. C., & are from Mexico city, of the date of June 28th. He vouches for the entire authenticity & good opportunities of information on the part of his correspondent.

General Arista, with three thousand men, chiefly cavalry, himself the best cavalry officer in Mexico, had been directed to move forward towards the Del Norte; but whether he had orders to cross the Del Norte was not said.

At San Louis Potosi, General Paredes, the Commander in Chief, had his General quarters, with an army of seven thousand men. These also were directed to move forward, in small divisions, towards the Del Norte.

From Mexico city General Felisola, the old woman who was with Santa Anna in Texas, was soon to leave with three thousand men, to join the army of Paredes.

Thus far positive information. It was stated by the Baron as *his opinion*, that Mexico would certainly consider the armistice with Texas broken by the action of the Texas convention; that she would shun battles & carry on an annoying guerilla warfare; that she would protract the war into a very expensive length; that she would agree to no settlement of boundary with us, but under the guarantee of European powers.

On these opinions I make no comment. The seemingly authentic news of hostile intentions has led Gov. Marcy,[3] under proper sanctions, to increase

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[1] Buchanan Papers, Historical Society of Pennsylvania; Curtis's Buchanan, I. 590.

[2] Prussian minister at Washington.

[3] Secretary of War.

his little army in Texas; and Mr. Mason has written all the necessary letters. I do not see but that the sun rises this morning much as usual. The President, too, is in excellent spirits, and will grow fat in your absence, he sleeps so well *now*, and sees nothing before him but the plain though steep and arduous path of duty.

So wishing you well,

Your faithful friend

GEORGE BANCROFT.

TO SEÑOR CALDERON DE LA BARCA.[1]

DEPARTMENT OF STATE,
WASHINGTON, 14th August, 1845.

DON A. CALDERON DE LA BARCA,
&c., &c., Spain.

SIR:

I have the honor to acknowledge the receipt of your note of the 26th ultimo, on the subject of the difference of duties levied in the United States upon wines of the Grand Canary,—and on the additional duties charged on the wines of Catalonia over those of France, Portugal, and other Countries.

You are aware that the note of the Chevalier Bourman, of the 20th January, 1844, respecting the wines of the Grand Canary, was referred, with its accompanying documents, to the Committee of Foreign Affairs, of the House of Representatives, and recommended to the favorable consideration of Congress. Why that Body did not act upon the representations made to it, I am unable to explain: but I take this occasion to assure you, that I will refer to the same committee, at the approaching session of Congress, copies of your notes of the 4th of January and the 26th ultimo,—and renew the former recommendation of the Department, in reference to both the subjects referred to in the latter communication.

I avail myself of this opportunity to renew to you the assurance of my distinguished consideration.

JAMES BUCHANAN.

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[1] MSS. Department of State, Notes to Spanish Legation, VI. 128.

TO MR. PARKS.[1]

DEPARTMENT OF STATE,
WASHINGTON Aug. 16th 1845.

GORHAM PARKS ESQRE.
U. S. C. Rio de Janeiro.

SIR,

The Despatch No. 46 from your predecessor George Wm. Gordon Esqre., has been received, covering a duplicate copy of a letter addressed to him under date of Novr. 12th 1844, by Mr. James Birckhead, an American Merchant residing in Rio de Janeiro, submitting interrogatories touching—the employment of American Vessels in the African Trade, the sale of American Vessels delivered upon the Coast of Africa, and the legality of selling an American Vessel to a Foreigner with permission to retain her National character for one or more subsequent voyages, due regard being paid to the laws respecting the commanding and manning such Vessels.

The practice of the Department has been never to prejudge important judicial questions, and it is deemed expedient, for manifest reasons, that this course should still be pursued. The laws of our Country are open to all, and such construction must be placed upon them, as the parties interested, acting for themselves or by advice of Counsel, may believe to be correct.

Should any law of the U. States against the African Slave Trade be violated and the case be brought before one of our Courts, the Department does not doubt but that it would be disposed to give it every fair construction for the purpose of suppressing this inhuman traffic.

I am &c.

JAMES BUCHANAN.

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[1] MSS. Department of State, Despatches to Consuls, XI. 401.

TO MR. TEN EYCK.[1]

DEPARTMENT OF STATE,
WASHINGTON, 16th August, 1845.

TO ANTHONY TEN EYCK, ESQUIRE,
&c. &c. &c.

SIR:

I have received your letter of the 11th instant, inquiring whether the nature of your appointment would inhibit you "from receiving consignments of property or from transacting professional or other business at the Sandwich Islands."

In reply, I would remark that your appointment as Commissioner to those Islands is of a diplomatic character and ought, in the opinion of the President to prevent you from engaging in commercial pursuits. The greatest objection to our present Consular system is, that the emoluments of Consuls are so small that in most cases they are obliged to become merchants in order to support themselves. It would be far better if they received adequate salaries and were prohibited from engaging in commerce. Congress has provided a salary in your case and your duties are entirely distinct from those of Consul to the Sandwich Islands; and it would undoubtedly impair your influence with the government to which you are accredited, should you become a Commission merchant or engage in any other business inconsistent with your diplomatic character.

Yours very respectfully,

JAMES BUCHANAN.

TO MR. PAKENHAM.[2]

DEPARTMENT OF STATE,
WASHINGTON, 18th Augt., 1845.

THE RIGHT HONBLE. R. PAKENHAM,
&c., &c., &c.

SIR:

I duly received your note of the 7th ultimo, stating that reports have reached the British Government which afford reason to believe that in several instances, during the last fifteen years,

[1] MSS. Department of State, Special Missions, I. 223. Mr. Ten Eyck, of Michigan, was commissioned as commissioner to Hawaii, April 19, 1845. His services ended Dec. 31, 1849.

[2] MSS. Department of State, Notes to Great Britain, VII. 72.

vessels belonging to the Bahama Islands, with crews of colored persons, have been purposely wrecked on the coast of Florida, and the crews sold as slaves; and suggesting to this Government the propriety of taking proper steps to ascertain the particulars, and to secure the purposes of justice, in the three several cases therein mentioned.

Soon after the receipt of your communication, a copy of it was transmitted to Mr. Douglas, the Attorney of the United States for the Eastern District of Florida, requesting him to institute a most strict and careful inquiry into the facts and circumstances of those cases, with the view of obtaining all the information necessary—and if, on examination, there should prove to be grounds for the reports you have mentioned, to adopt such measures as he might judge best calculated to secure the ends of justice, and vindicate the violated laws of the country.

I have now the honor of forwarding to you the transcript of a letter on the subject, just received from Mr. Douglas, and of inviting your attention to the portion of it asking for more detailed information in relation to these cases.

If you have it in your power to supply this information, and will communicate it to the Department, I shall lose no time in transmitting it to Mr. Douglas, in order to facilitate his inquiries.

I avail myself of this occasion to renew to you the assurance of my high consideration.

JAMES BUCHANAN.

TO SEÑOR CALDERON DE LA BARCA.[1]

DEPARTMENT OF STATE,
WASHINGTON, 26th August, 1845.

DON A. CALDERON DE LA BARCA,
&c., &c., Spain.

SIR:

I have the honor to acknowledge the receipt of your note of the 14th instant, stating that Her Catholic Majesty's Government, being now engaged in directing its attention to the commercial relations of the two countries, has directed you to endeavor to ascertain whether the Government of the United

[1] MSS. Department of State, Notes to Spanish Legation, VI. 129.

States would consent to reduce the high import duties now levied upon the Sugars of Cuba and Porto-Rico imported into the ports of this country,—and asking to be informed, whether the President is disposed to recommend, to the next Congress, such a reduction.

I should most gladly comply with any request of yours; but, whilst this is my desire, it is not possible, consistently with the principles or practice of this Government, to communicate to the Representative of a foreign Government the recommendations which the President intends to make to Congress on any subject of domestic policy. These may be modified or changed by unforeseen occurrences between this period and the meeting of Congress. Besides,—from the character of Executive recommendations, it is not probable that he will descend into particulars, and make special suggestions in regard to particular articles of import. His recommendations will, I presume, be of a general character;—leaving it to the wisdom of Congress to make such changes in our present tariff, as will, in their judgment, best comport with the interests of the country.

I take this occasion to renew to you the assurances of my distinguished consideration.

JAMES BUCHANAN.

TO MR. PETTIT.[1]

DEPARTMENT OF STATE,
T. M. PETTIT ESQRE. WASHINGTON Aug. 27. 1845.
U. S. Dist. Atty.
Philada.

SIR,

Your letter of the 25th Instant, referring to the case of Captn. Thomas Duling of the Brigantine "Washington Barge" suspected of having been concerned in violating the Laws of the U. States concerning the Foreign Slave Trade, has been received.

Enclosed I transmit a copy of a letter dated the 7th June and received at this Department on the 21st of July last, from the Consul of the U. States at Rio de Janeiro; together with certified copies of the Depositions of Gilbert Smith, Master of the Brig "Sea Eagle" of Boston & two of the Crew of said Vessel sus-

[1] MSS. Department of State, Despatches to Consuls, XI. 403.

taining the information in relation to the Brigantine "Washington Barge," T. Duling, Master, of Philadelphia, and "Albert," Woodberry, Master, of Boston, contained in a despatch theretofore received from the said Consul.

It appears that the Brig "Sea Eagle" sailed from Rio de Janeiro for New York on the 16th of May last, & it is probable that Captain Smith, and the individuals of the Crew referred to, may be found in that City.

I am, Sir, &c.

JAMES BUCHANAN.

FROM MR. CALHOUN.[1]

FORT HILL 30th Augt. 1845.

MY DEAR SIR,

I enclose a letter to Dr. Caminero, the minister appointed by the Dominican Republick to our Government, which I will thank you to have forwarded to his address.

He informs me, that Mr. Hogan's report will shortly be made. I hope, if it should be favourable, the administration will not hesitate to recognise the independence of the Republick, as soon as it can be done according to what has been usual in such cases. St. Domingo is, perhaps, the most fertile & best of all the West India Islands. It was lost to civilization & commerce through the insane movements of France during her revolution. Should the Dominican Republick sustain itself, it opens a prospect of restoring the Island again to the Domains of commerce & civilization. It may one day or another be one of the great marts for our products. It can sustain a population of many millions.

It belongs to us to take the lead in its recognition. I have good reason to believe, that our recognition would be acceptable to both France & Spain.

I am much obliged to you for furnishing me with the statement I requested in reference to the first census. The delay has subjected me to no inconvenience. It came in time for the purpose I desired it.

I regret to learn that the prospect is so discouraging in reference to the settlement of the Oregon question by the parties. I regard it as very important that it should be settled. If it should not be, there is great danger of its leading to a rupture between the two countries, which would be equally disastrous to both. It is beyond the power of man to trace the consequences of a war between us and England on the subject of Oregon. All that is certain is, that she can take it & hold it against us, as long as she has the supremacy on the ocean & retains her Eastern dominions. The rest is rapt in mystery.

As to my going again into the Senate, I do not contemplate to return ever again to publick life. I am entirely content with the portion of the publick

[1] Buchanan Papers, Historical Society of Pennsylvania. Extracts given in Curtis's Buchanan, I. 576.

honors which have fallen to my share, and expect to spend the rest of my days in retirement, in my quiet retreat near the foot of the mountains. I find ample & agreeable occupation both of mind & body.

With great respect

Yours truly

J. C. Calhoun.

Hon. James Buchanan.

TO MR. PAKENHAM.[1]

J. B. 2.

Department of State,

Washington, 30th Augt., 1845.

The Undersigned, Secretary of State of the United States, deems it his duty to make some observations in reply to the statement of Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, marked R. P., and dated 29th July, 1845.

Preliminary to the discussion, it is necessary to fix our attention upon the precise question under consideration, in the present stage of the negotiation. This question simply is, were the titles of Spain and the United States, when united by the Florida treaty, on the 22d of February, 1819, good, as against Great Britain, to the Oregon territory, as far north as the Russian line, in the latitude of 54° 40′? If they were, it will be admitted that this whole territory now belongs to the United States.

The Undersigned again remarks that it is not his purpose to repeat the argument by which his predecessor, Mr. Calhoun, has demonstrated the American title "to the entire region drained by the Columbia river and its branches." He will not thus impair its force.

It is contended, on the part of Great Britain, that the United States acquired and held the Spanish title subject to the terms and conditions of the Nootka Sound Convention, concluded between Great Britain and Spain, at the Escurial, on the 28th October, 1790.

In opposition to the argument of the Undersigned, contained in his statement, marked J. B., maintaining that this convention had been annulled by the war between Spain and Great Britain, in 1796, and has never since been revived by the

[1] MSS. Department of State, Notes to Great Britain, VII. 89; S. Doc. 1, 29 Cong. 1 Sess. 177; H. Ex. Doc. 2, 29 Cong. 1 Sess. 177.

parties, the British Plenipotentiary, in his statement, marked R. P., has taken the following positions:

1. "That when Spain concluded with the United States the treaty of 1819, commonly called the Florida treaty, the convention concluded between the former Power and Great Britain, in 1790, was considered by the parties to it to be still in force."

And, 2. "But that, even if no such treaty had ever existed, Great Britain would stand with reference to a claim to the Oregon territory in a position at least as favorable as the United States."

The Undersigned will follow step by step the argument of the British Plenipotentiary in support of these propositions.

The British Plenipotentiary states, "that the treaty of 1790 is not appealed to by the British Government, as the American Plenipotentiary seems to suppose, as their 'main reliance' in the present discussion;" but to show that by the Florida treaty of 1819 the United States acquired no right to exclusive dominion over any part of the Oregon territory.

The Undersigned had believed, that ever since 1826, the Nootka Convention has been regarded by the British Government as their main, if not their only reliance. The very nature and peculiarity of their claim identified it with the construction which they have imposed upon this convention and necessarily excluded every other basis of title. What but to accord with this construction could have caused Messrs. Huskisson and Addington, the British Commissioners, in specifying their title, on the 16th December, 1826, to declare that "Great Britain claims no exclusive sovereignty over any portion of that territory. Her present claim, not in respect to any part, but to the whole, is limited to a right of joint occupancy, in common with other States, leaving the right of exclusive dominion in abeyance." And again. "By that Convention, (of Nootka,) it was agreed that all parts of the northwestern coast of America, not already occupied at that time by either of the contracting parties, should thenceforward be equally open to the subjects of both, for all purposes of commerce and settlement; the sovereignty remaining in abeyance." But on this subject we are not left to mere inferences, however clear. The British Commissioners, in their statement from which the Undersigned has just quoted, have virtually abandoned any other title which Great Britain may have previously asserted to the territory in dispute, and expressly declare, "that, whatever that title may have been, however, either

on the part of Great Britain or on the part of Spain, prior to the convention of 1790, *it was thenceforward no longer to be traced in vague narratives of discoveries, several of them admitted to be apocryphal, but in the text and stipulations of that convention itself.*" And again, in summing up their whole case, they say: "Admitting that the United States have acquired all the rights which Spain possessed, up to the treaty of Florida, either in virtue of discovery, or, as is pretended, in right of Louisiana, Great Britain maintains that the nature and extent of these rights, as well as of the rights of Great Britain, are fixed and defined by the convention of Nootka," &c., &c., &c.

The Undersigned, after a careful examination, can discover nothing in the note of the present British Plenipotentiary to Mr. Calhoun, of 12th September last, to impair the force of these declarations and admissions of his predecessors. On the contrary, its general tone is in perfect accordance with them.

Whatever may be the consequences, then, whether for good or for evil,—whether to strengthen or to destroy the British claim, it is now too late for the British Government to vary their position. If the Nootka Convention confers upon them no such rights as they claim, they cannot, at this late hour, go behind its provisions, and set up claims which, in 1826, they admitted had been merged "in the text and stipulations of that convention itself."

The Undersigned regrets that the British Plenipotentiary has not noticed his exposition of the true construction of the Nootka Convention. He had endeavored, and he believes successfully, to prove that this treaty was transient in its very nature; that it conferred upon Great Britain no right but that of merely trading with the Indians whilst the country should remain unsettled, and making the necessary establishments for this purpose; and that it did not interfere with the ultimate sovereignty of Spain over the territory. The British Plenipotentiary has not attempted to resist these conclusions. If they be fair and legitimate, then it would not avail Great Britain, even if she could prove the Nootka Convention to be still in force. On the contrary, this convention, if the construction placed upon it by the Undersigned be correct, contains a clear virtual admission on the part of Great Britain, that Spain held the eventual right of sovereignty over the whole disputed territory, and, consequently, that it now belongs to the United States. The value of this admission, made in 1790, is the same, whether or not the conven-

tion has continued to exist until the present day. But he is willing to leave this point on the uncontroverted argument contained in his former statement.

But is the Nootka Sound Convention still in force?—The British Plenipotentiary does not contest the clear general principle of public law, "that war terminates all subsisting treaties between the belligerent Powers." He contends, however, in the first place that this convention is partly commercial; and that, so far as it partakes of this character, it was revived by the treaty concluded at Madrid on the 28th August, 1814, which declares "that all the treaties of commerce which subsisted between the two parties (Great Britain and Spain,) in 1796, were thereby ratified and confirmed;" and, 2dly, "that, in other respects, it must be considered as an acknowledgment of subsisting rights,—an admission of certain principles of international law," not to be revoked by war.

In regard to the first proposition, the Undersigned is satisfied to leave the question to rest upon his former argument, as the British Plenipotentiary has contented himself with merely asserting the fact, that the commercial portion of the Nootka Sound Convention was revived by the treaty of 1814, without even specifying what he considers to be that portion of that convention. If the Undersigned had desired to strengthen his former position he might have repeated, with great effect, the argument contained in the note of Lord Aberdeen to the Duke of Sotomayor, dated 30th June, 1845, in which his Lordship clearly established that all the treaties of commerce subsisting between Great Britain and Spain, previous to 1796, were confined to the trade with Spain alone, and did not embrace her colonies and remote possessions.

The second proposition of the British Plenipotentiary deserves greater attention. Does the Nootka Sound Convention belong to that class of treaties containing "an acknowledgment of subsisting rights,—an admission of certain principles of international law," not to be abrogated by war? Had Spain by this convention acknowledged the right of all nations to make discoveries, plant settlements, and establish colonies on the northwest coast of America, bringing with them their sovereign jurisdiction, there would then have been much force in the argument. But such an admission never was made, and never was intended to be made by Spain. The Nootka Convention is arbitrary and artificial in the highest degree, and is any thing

rather than the mere acknowledgment of simple and elementary principles consecrated by the law of nations. In all its provisions it is expressly confined to Great Britain and Spain, and acknowledges no right whatever in any third Power to interfere with the northwest coast of America. Neither in its terms, nor in its essence, does it contain any acknowledgment of previously subsisting territorial rights in Great Britain or any other nation. It is strictly confined to future engagements; and these are of a most peculiar character. Even under the construction of its provisions maintained by Great Britain, her claim does not extend to plant colonies; which she would have had a right to do, under the law of nations, had the country been unappropriated, but it is limited to a mere right of joint occupancy, not in respect to any part, but to the whole, the sovereignty remaining in abeyance. And to what kind of occupancy? Not separate and distinct colonies, but scattered settlements, intermingled with each other, over the whole surface of the territory, for the single purpose of trading with the Indians, to all of which the subjects of each Power should have free access, the right of exclusive dominion remaining suspended. Surely it cannot be successfully contended that such a treaty is "an admission of certain principles of international law," so sacred and so perpetual in their nature as not to be annulled by war. On the contrary, from the character of its provisions, it cannot be supposed, for a single moment, that it was intended for any purpose but that of a mere temporary arrangement between Great Britain and Spain. The law of nations recognizes no such principles, in regard to unappropriated territory, as those embraced in this treaty; and the British Plenipotentiary must fail in the attempt to prove that it contains "an admission of certain principles of international law," which will survive the shock of war.

But the British Plenipotentiary contends that from the silence of Spain during the negotiations of 1818 between Great Britain and the United States respecting the Oregon territory, as well as "from her silence with respect to the continued occupation by the British of their settlements in the Columbia territory, subsequently to the convention of 1814," it may fairly "be inferred that Spain considered the stipulations of the Nootka Convention, and the principles therein laid down, to be still in force."

The Undersigned cannot imagine a case where the obligations of a treaty once extinguished by war can be revived without

a positive agreement to this effect between the parties. Even if both parties, after the conclusion of peace, should perform positive and unequivocal acts in accordance with its provisions, these must be construed as merely voluntary, to be discontinued by either at pleasure. But in the present case, it is not even pretended that Spain performed any act in accordance with the Convention of Nootka Sound, after her treaty with Great Britain of 1814. Her mere silence is relied upon to revive that convention.

The Undersigned asserts confidently, that neither by public nor private law, will the mere silence of one party, whilst another is encroaching upon his rights, even if he had knowledge of this encroachment, deprive him of these rights. If this principle be correct as applied to individuals, it holds with much greater force in regard to nations. The feeble may not be in a condition to complain against the powerful; and thus the encroachment of the strong would convert itself into a perfect title against the weak.

In the present case, it was scarcely possible for Spain even to have learned the pendency of negotiations between the United States and Great Britain in relation to the northwest coast of America before she had ceded all her rights on that coast to the former by the Florida treaty of 22d February, 1819. The convention of joint occupation between the United States and Great Britain was not signed at London until the 20th October, 1818, but four months previous to the date of the Florida treaty; and the ratifications were not exchanged and the convention published until the 30th of January, 1819.

Besides, the negotiations which terminated in the Florida treaty had been commenced as early as December, 1815, and were in full progress on the 20th October, 1818, when the convention was signed between Great Britain and the United States. It does not appear, therefore, that Spain had any knowledge of the existence of these negotiations; and even if this were otherwise, she would have had no motive to complain, as she was in the very act of transferring all her rights to the United States.

But, says the British Plenipotentiary, Spain looked in silence on the continued occupation by the British of their settlements in the Columbia territory, subsequently to the convention of 1814, and therefore she considered the Nootka Sound Convention to be still in force. The period of this silence, so far as it could affect Spain, commenced on the 28th day of August, 1814,—the

date of the additional articles to the treaty of Madrid,—and terminated on the 22d February, 1819, the date of the Florida treaty. Is there the least reason from this silence to infer an admission by Spain of the continued existence of the Nootka Sound Convention? In the first place, this convention was entirely confined "to landing on the coasts of those seas in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, or of making settlements there." It did not extend to the interior. At the date of this convention, no person dreamed that British traders from Canada or Hudson's Bay would cross the Rocky Mountains and encroach on the rights of Spain from that quarter. Great Britain had never made any settlement on the northwestern coast of America, from the date of the Nootka Sound Convention, until the 22d of February, 1819; nor, so far as the Undersigned is informed, has she done so down to the present moment. Spain could not, therefore, have complained of any such settlement. In regard to the encroachments which had been made from the interior by the Northwest Company, neither Spain nor the rest of the world had any specific knowledge of their existence. But even if the British Plenipotentiary had brought such knowledge home to her, which he has not attempted, she had been exhausted by one long and bloody war, and was then engaged in another with her colonies, and was besides negotiating for a transfer of all her rights on the northwestern coast of America to the United States. Surely these were sufficient reasons for her silence, without inferring from it that she acquiesced in the continued existence of the Nootka Convention. If Spain had entertained the least idea that the Nootka Convention was still in force, her good faith and her national honor would have caused her to communicate this fact to the United States before she had ceded this territory to them for an ample consideration. Not the least intimation of the kind was ever communicated.

Like Great Britain in 1818, Spain, in 1819, had no idea that the Nootka Sound Convention was in force. It had then passed away and was forgotten.

The British Plenipotentiary alleges that the reason why Great Britain did not assert the existence of the Nootka Convention during the negotiations between the two Governments in 1818, was, that no occasion had arisen for its interposition, the American Government not having then acquired the title of Spain. It is very true that the United States had not then

acquired the Spanish title; but is it possible to imagine that throughout the whole negotiation the British Commissioners, had they supposed this convention to have been in existence, would have remained entirely silent in regard to a treaty which, as Great Britain now alleges, gave her equal and coördinate rights with Spain to the whole northwest coast of America? At that period, Great Britain confined her claims to those arising from discovery and purchase from the Indians. How vastly she could have strengthened these claims, had she then supposed the Nootka Convention to be in force with her present construction of its provisions. Even in 1824, it was first introduced into the negotiation not by her Commissioners but by Mr. Rush, the American Plenipotentiary.

But the British Plenipotentiary argues that "the United States can found no claim on discovery, exploration, and settlement, effected previously to the Florida treaty, without admitting the principles of the Nootka Convention;" "nor can they appeal to any exclusive right as acquired by the Florida treaty, without upsetting all claims adduced in their own proper right by reason of discovery, exploration, and settlement, antecedent to that arrangement."

This is a most ingenious method of making two distinct and independent titles held by the same nation worse than one—of arraying them against each other, and thus destroying the validity of both. Does he forget that the United States own both these titles, and can wield them either separately or conjointly against the claim of Great Britain at their pleasure? From the course of his remarks, it might be supposed that Great Britain and not the United States had acquired the Spanish title under the Florida treaty. But Great Britain is a third party—an entire stranger to both these titles, and has no right whatever to marshal the one against the other.

By what authority can Great Britain interpose in this manner? Was it ever imagined in any court of justice, that the acquisition of a new title destroyed the old one; and, *vice versa*, that the purchase of the old title destroyed the new one? In a question of mere private right, it would be considered absurd if a stranger to both titles should say to the party who had made a settlement, you shall not avail yourself of your possession, because this was taken in violation of another outstanding title; and although I must admit that you have also acquired this outstanding title, yet even this shall avail you nothing;

because having taken possession previously to your purchase, you thereby evinced that you did not regard such title as valid. And yet such is the mode by which the British Plenipotentiary has attempted to destroy both the American and Spanish title. On the contrary, in the case mentioned, the possession and the outstanding title being united in the same individual, these conjoined would be as perfect as if both had been vested in him from the beginning.

The Undersigned, whilst strongly asserting both these titles, and believing each of them separately to be good as against Great Britain, has studiously avoided instituting any comparison between them. But admitting for the sake of the argument merely, that the discovery by Captain Gray of the mouth of the Columbia, its exploration by Lewis and Clarke, and the settlement upon its banks at Astoria, were encroachments on Spain; she, and she alone, had a right to complain. Great Britain was a third party; and, as such, had no right to interfere in the question between Spain and the United States. But Spain, instead of complaining of these acts as encroachments, on the 22d February, 1819, by the Florida treaty, transferred her whole title to the United States. From that moment all possible conflict between the two titles was ended, both being united in the same party. Two titles which might have conflicted therefore were thus blended together. The title now vested in the United States is just as strong as though every act of discovery, exploration, and settlement on the part of both Powers had been performed by Spain alone before she had transferred all her rights to the United States. The two Powers are one in this respect; the two titles are one; and, as the Undersigned will show hereafter, they serve to confirm and strengthen each other. If Great Britain, instead of the United States had acquired the title of Spain, she might have contended that these acts of the United States were encroachments; but, standing in the attitude of a stranger to both titles, she has no right to interfere in the matter.

The Undersigned deems it unnecessary to pursue this branch of the subject further than to state that the United States before they had acquired the title of Spain always treated that title with respect. In the negotiation of 1818, the American Plenipotentiaries "did not assert that the United States had a perfect right to that country; but insisted that their claim was at least good against Great Britain;" and the convention of October 20, 1818,

unlike that of Nootka Sound, "reserved the claims of any other Power or State to any part of the said country." This reservation could have been intended for Spain alone. But ever since the United States acquired the Spanish title, they have always asserted and maintained their right in the strongest terms up to the Russian line, even whilst offering, for the sake of harmony and peace, to divide the territory in dispute by the forty-ninth parallel of latitude.

The British Plenipotentiary then has entirely failed to sustain his position that the United States can found no claim on discovery, exploration, and settlement, without admitting the principles of the Nootka Convention. That convention died on the commencement of the war between Spain and England, in 1796, and has never since been revived.

The British Plenipotentiary next "endeavors to prove that even if the Nootka Sound Convention had never existed, the position of Great Britain in regard to her claim, whether to the whole or to any particular portion of the Oregon territory, is at least as good as that of the United States." In order to establish this position, he must show that the British claim is equal in validity to the titles both of Spain and the United States. These can never now be separated. They are one and the same. Different and diverging as they may have been before the Florida treaty, they are now blended together and identified. The separate discoveries, explorations, and settlements of the two Powers previous to that date must now be considered as if they had all been made by the United States alone. Under this palpable view of the subject, the Undersigned was surprised to find that in the comparison and contrast instituted by the British Plenipotentiary between the claim of Great Britain and that of the United States, he had entirely omitted to refer to the discoveries, explorations, and settlements made by Spain. The Undersigned will endeavor to supply the omission.

But before he proceeds to the main argument on this point he feels himself constrained to express his surprise that the British Plenipotentiary should again have invoked in support of the British title the inconsistency between the Spanish and American branches of the title of the United States. The Undersigned cannot forbear to congratulate himself upon the fact that a gentleman of Mr. Pakenham's acknowledged ability has been reduced to the necessity of relying chiefly upon such a support for sustaining the British pretensions. Stated in brief, the argu-

ment is this: the American title is not good against Great Britain, because inconsistent with that of Spain; and the Spanish title is not good against Great Britain, because inconsistent with that of the United States. The Undersigned had expected something far different from such an argument in a circle. He had anticipated that the British Plenipotentiary would have attempted to prove that Spain had no right to the northwestern coast of America—that it was vacant and unappropriated,—and hence, under the law of nations, was open to discovery, exploration, and settlement by all nations. But no such thing. On this vital point of his case, he rests his argument solely on the declaration made by the Undersigned, that the title of the United States to the valley of the Columbia was perfect and complete before the treaties of joint occupation of October, 1818, and August, 1827, and before the date of the Florida treaty in 1819. But the British Plenipotentiary ought to recollect that this title was asserted to be complete not against Spain, but against Great Britain. That the argument was conducted not against a Spanish but a British Plenipotentiary: and that the United States, and not Great Britain, represent the Spanish title. And further, that the statement from which he extracts these declarations was almost exclusively devoted to prove, in the language quoted by the British Plenipotentiary himself, that "Spain had a good title, as against Great Britain, to the whole of the Oregon territory." The Undersigned has never, as he before observed, instituted any comparison between the American and the Spanish title. Holding both, having a perfect right to rely upon both, whether jointly or separately, he has strongly asserted each of them in their turn, fully persuaded that either the one or the other is good against Great Britain; and that no human ingenuity can make the Spanish title now vested in the United States worse than it would have been had it remained in the hands of Spain.

Briefly to illustrate and enforce this title shall be the remaining task of the Undersigned.

And, in the first place, he cannot but commend the frankness and candor of the British Plenipotentiary in departing from the course of his predecessors and rejecting all discoveries previous to those of Captain Cook, in the year 1778, as foundations of British title. Commencing with discovery at a period so late, the Spanish title, on the score of antiquity, presents a strong contrast to that of Great Britain. The Undersigned had stated as a historical and "striking fact, which must have an

important bearing against the claim of Great Britain, that this convention (the Nootka,) which was dictated by her to Spain, contains no provision impairing the ultimate sovereignty which that Power had asserted for nearly three centuries over the whole western side of North America, as far north as the 61st degree of latitude, and which had never been seriously questioned by any European nation. This had been maintained by Spain with the most vigilant jealousy, ever since the discovery of the American continent, and had been acquiesced in by all European Governments. It had been admitted even beyond the latitude of 54° 40′ north, by Russia, then the only Power having claims which could come in collision with Spain; and that, too, under a sovereign peculiarly tenacious of the territorial rights of her Empire." These historical facts had not been, as they could not be, controverted by the British Plenipotentiary, although they were brought under his particular observation, and were even quoted by him with approbation, for the purpose of shewing the inconsistency of the several titles held by the United States. In the language of Count Fernan de Nuñez, the Spanish Ambassador at Paris, to M. de Montmorin, the Secretary of the Foreign Department of France, under date of June 16th, 1790:—"By the treaties, demarcations, takings of possession, and the most decided acts of sovereignty exercised by the Spaniards in those stations, from the reign of Charles II., and authorized by that Monarch in 1692, the original vouchers for which shall be brought forward in the course of the negotiation, all the coast to the north of the western America, on the side of the South Sea, as far as beyond what is called Prince William's Sound, which is in the 61st degree, is acknowledged to belong exclusively to Spain."

Compared with this ancient claim of Spain, acquiesced in by all European nations for centuries, the claim of Great Britain founded on discoveries commenced at so late a period as the year 1778, must make an unfavorable first impression.

Spain considered the northwestern coast of America as exclusively her own. She did not send out expeditions to explore that coast for the purpose of rendering her title more valid. When it suited her own convenience, or promoted her own interest, she fitted out such expeditions of discovery to ascertain the character and extent of her own territory. And yet her discoveries along that coast are far earlier than those of the British.

That Juan de Fuca, a Greek in the service of Spain, in 1592, discovered and sailed through the strait now bearing his

name, from its southern to its northern extremity, and thence returned through the same passage, no longer admits of reasonable doubt. An account of this voyage was published in London in 1625, in a work called the Pilgrims, by Samuel Purchas. This account was received from the lips of Fuca himself at Venice, in April, 1596, by Michael Lock, a highly respectable English merchant.

During a long period this voyage was deemed fabulous, because subsequent navigators had in vain attempted to find these straits. Finally, after they had been found, it was discovered that the descriptions of de Fuca corresponded so accurately with their geography, and the facts presented by nature upon the ground, that it was no longer possible to consider his narration as fabulous. It is true that the opening of the straits from the south lies between the 48th and 49th parallels of latitude, and not between the 47th and the 48th parallels as he had supposed: but this mistake may be easily explained by the inaccuracy so common throughout the sixteenth century in ascertaining the latitude of places in newly discovered countries.

It is also true that de Fuca, after passing through these straits, supposed he had reached the Atlantic, and had discovered the passage so long and so anxiously sought after between the two oceans; but, from the total ignorance and misapprehension which prevailed at that early day, of the geography of this portion of North America, it was natural for him to believe that he had made this important discovery.

Justice has at length been done to his memory, and these straits which he discovered will, in all future time, bear his name. Thus the merit of the discovery of the straits of Fuca belongs to Spain; and this nearly two centuries before they had been entered by Captain Berkeley under the Austrian flag.

It is unnecessary to detail the discoveries of the Spaniards as they regularly advanced to the north from their settlements on the western coasts of North America, until we reach the voyage of Captain Juan Perez, in 1774. That navigator was commissioned by the Vice Roy of Mexico to proceed in the corvette Santiago to the 60th degree of north latitude, and from that point to examine the coast down to Mexico. He sailed from San Blas on the 25th January, 1774. In the performance of this commission, he landed first on the northwest coast of Queen Charlotte's Island, near the 54th degree of north latitude, and thence proceeded south along the shore of that island and of the

great island of Quadra and Vancouver, and then along the coast of the continent, until he reached Monterey. He went on shore and held intercourse with the natives at several places, and especially at the entrance of a bay in latitude 49½ degrees, which he called Port San Lorenzo, the same now known by the name of Nootka Sound. In addition to the journals of this voyage, which render the fact incontestable, we have the high authority of Baron Humboldt in its favor. That distinguished traveller who had access to the manuscript documents in the city of Mexico, states, that "Perez and his pilot, Estevan Martinez, left the Port of San Blas on the 24th January, 1774. On the 9th August they anchored, the first of all European navigators, in Nootka Road, which they called the Port of San Lorenzo, and which the illustrious Cook, *four years afterwards,* called King George's Sound."

In the next year, 1775, the Vice Roy of Mexico again fitted out the Santiago, under the command of Bruno Heceta, with Perez, her former commander, as Ensign, and also a schooner called the Sonora, commanded by Juan Francisco de la Bodega y Quadra. These vessels were commissioned to examine the northwestern coast of America as far as the 65th degree of latitude; and sailed in company from San Blas, on the 15th March, 1775.

It is unnecessary to enumerate the different places on the coast examined by these navigators, either in company or separately. Suffice it to say that they landed at many places on the coast, from the 41st to the 57th degree of latitude; on all of which occasions, they took possession of the country in the name of their Sovereign, according to a prescribed regulation; celebrating mass, reading declarations asserting the right of Spain to the territory and erecting crosses with inscriptions to commemorate the event. Some of these crosses were afterwards found standing by British navigators. In relation to these voyages, Baron Humboldt says: "In the following year (1775, after that of Perez,) a second expedition set out from San Blas, under the command of Heceta, Ayala, and Quadra. Heceta discovered the mouth of the Rio Columbia, called it the Entrada de Heceta, the Pic of San Jacinto (Mount Edgecombe,) near Norfolk Bay, and the fine port of Bucareli. I possess two very curious small maps, engraved in 1788, in the city of Mexico, which give the bearings of the coast from the 27° to the 58° of latitude, as they were discovered in the expedition of Quadra."

In the face of these incontrovertible facts, the British Plenipotentiary says that "Captain Cook must also be considered the discoverer of Nootka Sound, in consequence of the want of authenticity in the alleged previous discovery of that port by Perez." And yet Cook did not even sail from England until the 12th July, 1776, nearly two years after Perez had made this discovery. The chief object of Cook's voyage was the discovery of a Northwest Passage; and he never landed at any point of the continent south of Nootka Sound. It is true that in coasting along the continent, before he reached this place, he had observed Cape Flattery; but he was entirely ignorant that this was the southern entrance of the Straits of Fuca. In his journal he admits that he had heard some account of the Spanish voyages of 1774 and 1775 before he left England; and it is beyond question that before his departure accounts of the voyage of Quadra had been published both in Madrid and London. From Nootka Sound, Cook did not again see land until he reached the 57th degree of north latitude.

In 1787, it is alleged by the British Plenipotentiary, that Captain Berkeley, a British subject, discovered the Straits of Fuca; but these straits had been discovered by Juan de Fuca nearly two centuries before. Besides, if there had been any merit in this discovery of Captain Berkeley, it would have belonged to Austria, in whose service he was, and under whose colors he sailed, and cannot be appropriated by Great Britain.

And here it is worthy of remark that these discoveries of Cook and Berkeley in 1778 and 1787 are all those on which the British Plenipotentiary relies, previous to the date of the Nootka Sound Convention in October, 1790, to defeat the ancient Spanish title to the Northwest Coast of America.

The Undersigned will now take a position which cannot, in his opinion, be successfully assailed; and this is, that no discovery, exploration, or settlement made by Great Britain on the northwest coast of America, after the date of the Nootka Sound Convention, and before it was terminated by the war of 1796, can be invoked by that Power in favor of her own title or against the title of Spain. Even according to the British construction of that convention, the sovereignty over the territory was to remain in abeyance during its continuance, as well in regard to Great Britain as to Spain. It would, therefore, have been an open violation of faith on the part of Great Britain, after having secured the privileges conferred upon her by the convention, to

turn round against her partner and perform any acts calculated to divest Spain of her ultimate sovereignty over any portion of the coast. The palpable meaning of the convention was that during its continuance the rights of the respective parties, whatever they may have been, should remain just as they had existed at its commencement.

The Government of Great Britain is not justly chargeable with any such breach of faith. Captain Vancouver acted without instructions in attempting to take possession of the whole northwestern coast of America in the name of his Sovereign. This officer, sent out from England to execute the convention, did not carry with him any authority to violate it in this outrageous manner.

Without this treaty, he would have been a mere intruder. Under it, Great Britain had a right to make discoveries and surveys, not thereby to acquire title, but merely to enable her subjects to select spots the most advantageous, to use the language of the convention, "for the purpose of carrying on their commerce with the natives of the country, or of making settlements there."

If this construction of the Nootka Sound Convention be correct, and the Undersigned does not perceive how it can be questioned, then Vancouver's passage through the straits of Fuca, in 1792, and Alexander M'Kenzie's journey across the continent in 1793, can never be transformed into elements of title in favor of Great Britain.

But even if the Undersigned could be mistaken in these positions, it would be easy to prove that Captain John Kendrick, in the American sloop Washington passed through the straits of Fuca in 1789, three years before Captain Vancouver performed the same voyage. The very instructions to the latter, before he left England in January, 1791, refer to this fact, which had been communicated to the British Government by Lieutenant Meares, who has rendered his name so notorious by its connexion with the transactions preceding the Nootka Sound Convention. It is moreover well known that the whole southern division of the straits had been explored by the Spanish navigators Elisa and Quimpa; the first in 1790, and the latter in 1791.

After what has been said, it will be perceived how little reason the British Plenipotentiary has for stating that his Government has, "as far as relates to Vancouver's Island, as complete a case of discovery, exploration, and settlement as can well

be presented, giving to Great Britain, in any arrangement that may be made with regard to the territory in dispute, the strongest possible claim to the exclusive possession of that island."

The discovery thus relied upon is that of Nootka Sound by Cook in 1778; when it has been demonstrated that this port was first discovered by Perez in 1774. The exploration is that by Vancouver in passing through the Straits of Fuca, in 1792, and examining the coasts of the territory in dispute, when de Fuca himself had passed through these straits in 1592, and Kendrick again, in 1789, and a complete examination of the western coast had been made in 1774 and 1775, both by Perez and Quadra. As to possession, if Meares was ever actually restored to his possessions at Nootka Sound, whatever these may have been, the Undersigned has never seen any evidence of the fact. It is not to be found in the journal of Vancouver; although this officer was sent from England for the avowed purpose of witnessing such a restoration. The Undersigned knows not whether any new understanding took place between the British and the Spanish Governments on this subject; but one fact is placed beyond all doubt, that the Spaniards continued in the undisputed possession of Nootka Sound until the year 1795, when they voluntarily abandoned the place. Great Britain has never at any time since occupied this or any other position on Vancouver's Island. Thus, on the score of either discovery, exploration, or possession, this island seems to be the very last portion of the territory in dispute to which she can assert a just claim.

In the mean time, the United States were proceeding with the discoveries which served to complete and confirm the Spanish-American title to the whole of the disputed territory.

Captain Robert Gray, in June, 1789, in the sloop Washington, first explored the whole eastern coast of Queen Charlotte's Island.

In the autumn of the same year, Captain John Kendrick, having in the mean time surrendered the command of the Columbia to Captain Gray, sailed, as has been already stated, in the sloop Washington, entirely through the Straits of Fuca.

In 1791, Captain Gray returned to the North Pacific in the Columbia; and in the summer of that year examined many of the inlets and passages between the 54th and 56th degrees of latitude, which the Undersigned considers it unnecessary to specify.

On the 7th May, 1792, he discovered and entered Bulfinch's

harbor, where he remained at anchor three days, trading with the Indians. On the 11th May, 1792, Captain Gray entered the mouth of the Columbia, and completed the discovery of that great river. This river had been long sought in vain by former navigators. Both Meares and Vancouver, after examination, had denied its existence. Thus is the world indebted to the enterprise, perseverance, and intelligence of an American Captain of a trading vessel for their first knowledge of this the greatest river on the western coast of America—a river whose head springs flow from the gorges of the Rocky Mountains, and whose branches extend from the 42d to the 53d parallels of latitude. This was the last and most important discovery on the coast, and has perpetuated the name of Robert Gray. In all future time this great river will bear the name of his vessel.

It is true that Bruno Heceta, in the year 1775, had been opposite the bay of the Columbia; and the currents and eddies of the water caused him, as he remarks, to believe that this was "the mouth of some great river, or of some passage to another sea;" and his opinion seems decidedly to have been that this was the opening of the strait discovered by Juan de Fuca, in 1592. To use his own language, "Notwithstanding the great difference between the position of this bay and the passage mentioned by de Fuca, I have little difficulty in conceiving that they may be the same, having observed equal or greater differences in the latitudes of other capes and ports on this coast, as I shall shew at its proper time; and in all cases the latitudes thus assigned are higher than the real ones."

Heceta from his own declaration had never entered the Columbia, and he was in doubt whether the opening was the mouth of a river or an arm of the sea; and subsequent examinations of the coast by other navigators had rendered the opinion universal that no such river existed, when Gray first bore the American flag across its bar, sailed up its channel for 25 miles, and remained in the river nine days, trading with the Indians.

The British Plenipotentiary attempts to depreciate the value to the United States of Gray's discovery, because his ship, the Columbia, was a trading and not a national vessel. As he furnishes no reason for this distinction, the Undersigned will confine himself to the remark, that a merchant vessel bears the flag of her country at her mast head, and continues under its jurisdiction and protection in the same manner as though she had been

commissioned for the express purpose of making discoveries. Besides, beyond all doubt, this discovery was made by Gray; and to what nation could the benefit of it belong, unless it be to the United States? Certainly not to Great Britain. And if to Spain, the United States are now her representative.

Nor does the Undersigned perceive in what manner the value of this great discovery can be lessened by the fact that it was first published to the world through the journal of Captain Vancouver, a British authority. On the contrary, its authenticity, being thus acknowledged by the party having an adverse interest, is more firmly established than if it had been first published in the United States.

From a careful examination and review of the subject, the Undersigned ventures the assertion, that to Spain and the United States belongs all the merit of the discovery of the northwest coast of America south of the Russian line, not a spot on which, unless it may have been the shores of some of the interior bays and inlets, after the entrance to them had been known, was ever beheld by British subjects, until after it had been seen or touched by a Spaniard or an American. Spain proceeded in this work of discovery not as a means of acquiring title, but for the purpose of examining and surveying territory to which she believed she had an incontestable right. Her title had been sanctioned for centuries by the acknowledgment or acquiescence of all the European Powers. The United States alone could have disputed this title, and that only to the extent of the region watered by the Columbia. The Spanish and American titles, now united by the Florida treaty, cannot be justly resisted by Great Britain. Considered together, they constituted a perfect title to the whole territory in dispute, ever since the 11th of May, 1792, when Captain Gray passed the bar at the mouth of the Columbia, which he had observed in August, 1788.

The Undersigned will now proceed to show that

This title of the United States, at least to the possession of the territory at the mouth of the Columbia, has been acknowledged by the most solemn and unequivocal acts of the British Government.

After the purchase of Louisiana from France, the Government of the United States fitted out an expedition under Messrs. Lewis and Clarke, who, in 1805, first explored the Columbia from its sources to its mouth, preparatory to the occupation of the territory by the United States.

In 1811, the settlement at Astoria was made by the Americans near the mouth of the river, and several other posts were established in the interior along its banks. The war of 1812 between Great Britain and the United States thus found the latter in peaceable possession of that region. Astoria was captured by Great Britain during this war. The treaty of peace concluded at Ghent, in December, 1814, provided that: "All territory, places, and possessions whatsoever taken by either party from the other during the war," &c., &c., "shall be restored without delay." In obedience to the provisions of this treaty, Great Britain restored Astoria to the United States; and thus admitted in the most solemn manner, not only that it had been an American territory or possession at the commencement of the war, but that it had been captured by British arms during its continuance. It is now too late to gainsay or explain away these facts. Both the treaty of Ghent and the acts of the British Government under it, disprove the allegations of the British Plenipotentiary that Astoria passed "into British hands by the voluntary act of the persons in charge of it," and "that it was restored to the United States in 1818, with certain well authenticated reservations."

In reply to the first of these allegations, it is true that the agents of the (American) Pacific Fur Company, before the capture of Astoria, on the 16th of October, 1813, had transferred all that they could transfer, the private property of the company, to the (British) Northwest Company; but it will scarcely be contended that such an arrangement could impair the sovereign rights of the United States to the territory. Accordingly, the American flag was still kept flying over the fort until the 1st December, 1813, when it was captured by His Majesty's sloop-of-war, Rackoon, and the British flag was then substituted.

That it was not restored to the United States "with certain well authenticated reservations" fully appears from the act of restoration itself, bearing date 6th October, 1818. This is as absolute and unconditional as the English language can make it. That this was according to the intention of Lord Castlereagh clearly appears from his previous admission to Mr. Rush of the right of the Americans to be reinstated, and to be the party in possession while treating on the title. If British Ministers afterwards, in despatches to their own agents, the contents of which were not communicated to the Government of the United States, thought proper to protest against our title, these were in effect

but mere mental reservations which could not affect the validity of their own solemn and unconditional act of restoration.

But the British Plenipotentiary, notwithstanding the American discovery of the Columbia by Captain Gray, and the exploration by Lewis and Clarke of several of its branches from their sources in the Rocky Mountains, as well as its main channel to the ocean, contends that because Thompson, a British subject, in the employment of the Northwest Company, was the first who navigated the northern branch of that river, the British Government thereby acquired certain rights against the United States the extent of which he does not undertake to specify. In other words, that after one nation had discovered and explored a great river and several of its tributaries, and made settlements on its banks, another nation, if it could find a single branch on its head waters which had not been actually explored, might appropriate to itself this branch, together with the adjacent territory. If this could have been done, it would have produced perpetual strife and collision among the nations after the discovery of America. It would have violated the wise principle consecrated by the practice of nations, which gives the valley drained by a river and its branches to the nation which had first discovered and appropriated its mouth.

But for another reason this alleged discovery of Thompson has no merit whatever. His journey was undertaken, on behalf of the Northwest Company, for the mere purpose of anticipating the United States in the occupation of the mouth of the Columbia —a territory to which no nation, unless it may have been Spain, could, with any show of justice, dispute their right. They had acquired it by discovery and by exploration, and were now in the act of taking possession. It was in an enterprise undertaken for such a purpose that Thompson, in hastening from Canada to the mouth of the Columbia, descended the north, arbitrarily assumed by Great Britain to be the main branch of this river. The period was far too late to impair the title of either Spain or the United States by any such proceeding.

Mr. Thompson, on his return, was accompanied by a party from Astoria, under Mr. David Stuart, who established a post at the confluence of the Okinagan with the north branch of the Columbia, about six hundred miles above the mouth of the latter.

In the next year, 1812, a second trading post was established by a party from Astoria on the Spokan, about six hundred and fifty miles from the ocean.

It thus appears that previous to the capture of Astoria by the British, the Americans had extended their possessions up the Columbia six hundred and fifty miles. The mere intrusion of the Northwest Company into this territory, and the establishment of two or three trading posts, in 1811 and 1812, on the head waters of the river, can surely not interfere with or impair the Spanish American title. What this company may have done in the intermediate period until the 20th October, 1818, the date of the first treaty of joint occupation, is unknown to the Undersigned, from the impenetrable mystery in which they have veiled their proceedings. After the date of this treaty, neither Great Britain nor the United States could have performed any act affecting their claims to the disputed territory.

To sum up the whole, then, Great Britain cannot rest her claims to the Northwest Coast of America upon discovery. As little will her single claim by settlement at Nootka Sound avail her. Even Belsham, her own historian, forty years ago, declared it to be certain, from the most authentic information, "that the Spanish flag flying at Nootka was never struck, and that the territory has been virtually relinquished by Great Britain."

The agents of the Northwest Company penetrating the continent from Canada in 1806, established their first trading post west of the Rocky Mountains at Frazer's lake, in the 54th degree of latitude; and this with the trading posts established by Thompson, to which the Undersigned has just adverted, and possibly some others afterwards, previous to October, 1818, constitutes the claim of Great Britain by actual settlement.

Upon the whole: From the most careful and ample examination which the Undersigned has been able to bestow upon the subject, he is satisfied that the Spanish American title now held by the United States, embracing the whole territory between the parallels of 42° and 54° 40′, is the best title in existence to this entire region; and that the claim of Great Britain to any portion of it, has no sufficient foundation. Even British geographers have not doubted our title to the territory in dispute. There is a large and splendid globe now in the Department of State, recently received from London, and published by Malby & Company, "manufacturers and publishers to the Society for the Diffusion of Useful Knowledge," which assigns this territory to the United States.

Notwithstanding such was and still is the opinion of the President; yet, in the spirit of compromise and concession, and

in deference to the action of his predecessors, the Undersigned, in obedience to his instructions, proposed to the British Plenipotentiary to settle the controversy by dividing the territory in dispute by the 49th parallel of latitude, offering at the same time to make free to Great Britain any port or ports on Vancouver's Island, south of this latitude which the British Government might desire. The British Plenipotentiary has correctly suggested that the free navigation of the Columbia river was not embraced in this proposal to Great Britain; but, on the other hand, the use of free ports on the southern extremity of this island had not been included in former offers.

Such a proposition as that which has been made never would have been authorized by the President had this been a new question.

Upon his accession to office, he found the present negotiation pending. It had been instituted in the spirit and upon the principle of compromise. Its object, as avowed by the negotiators, was not to demand the whole territory in dispute for either country; but, in the language of the first protocol, "to treat of the respective claims of the two countries to the Oregon territory, with the view to establish a permanent boundary between them, westward of the Rocky Mountains to the Pacific Ocean."

Placed in this position, and considering that Presidents Monroe and Adams had, on former occasions, offered to divide the territory in dispute by the forty-ninth parallel of latitude, he felt it to be his duty not abruptly to arrest the negotiation; but so far to yield his own opinion as once more to make a similar offer.

Not only respect for the conduct of his predecessors, but a sincere and anxious desire to promote peace and harmony between the two countries, influenced him to pursue this course. The Oregon question presents the only intervening cloud which intercepts the prospect of a long career of mutual friendship and beneficial commerce between the two nations; and this cloud he desired to remove.

These are the reasons which actuated the President to offer a proposition so liberal to Great Britain.

And how has this proposition been received by the British Plenipotentiary? It has been rejected without even a reference to his own Government. Nay, more, the British Plenipotentiary, to use his own language, "trusts that the American Plenipotentiary will be prepared to offer some farther proposal for the

settlement of the Oregon question, *more consistent with fairness and equity, and with the reasonable expectations of the British Government.*"

Under such circumstances, the Undersigned is instructed by the President to say, that he owes it to his own country, and a just appreciation of her title to the Oregon territory, to withdraw the proposition to the British Government which had been made under his direction; and it is hereby accordingly withdrawn.

In taking this necessary step, the President still cherishes the hope that this long-pending controversy may yet be finally adjusted in such a manner as not to disturb the peace or interrupt the harmony now so happily subsisting between the two nations.

The Undersigned avails himself, &c.

JAMES BUCHANAN.

THE RIGHT HONBLE. RICHARD PAKENHAM, &c. &c. &c.

TO MR. LEE.[1]

DEPARTMENT OF STATE,
WASHINGTON, 6 September, 1845.

TO W. D. LEE, ESQUIRE,
&c. &c. &c.

DEAR SIR:

I have had the honor to receive your note of the first instant, informing me that the President of Texas had appointed you acting Chargé d'Affaires of that Government near the Government of the United States, and requesting me to appoint a time when you may call for the purpose of presenting your credentials.

Your note has been submitted to the President, who, after a careful examination of the subject, has directed me to inform you, that, in his opinion, the State of Texas has now become so intimately identified with the other States of the Union, that it would not be proper to receive a Chargé d'Affaires from its Government and thus treat it as a foreign nation. The moment that the Convention of Texas had ratified the terms of annexation proposed by the Congress of the United States, the substantial engagements of both parties were completed, and nothing then remained to be done but her more formal admission into the Union in compliance with these engagements. The Presi-

[1] MSS. Department of State, Notes to Texas Legation, VI. 82.

dent has, accordingly, directed the troops of the United States to march into her territory, and has determined to defend it against the forces of Mexico. Under these circumstances, Texas has already in his judgment, become in fact, if not in form, one of our States, at least so far as to render it obligatory on him to protect her against foreign invasion. It would, therefore, it appears to him, be inconsistent with these relations to receive a public minister from her Government as though she were still a stranger.

It is certain, however, that the Government of Texas yet retains all the powers that it formerly possessed except such as would be inconsistent with the engagements of the respective parties to consummate annexation. It is still both the right and duty of that Government to repel a Mexican invasion, and should such an event occur, it would be extremely convenient, if not absolutely necessary, to have an agent of Texas in the City of Washington. Other circumstances might be adverted to which would render this highly proper. Whilst, therefore, the President cannot receive you in a diplomatic character, he will be much gratified should you determine to remain in this City as an agent of Texas. In that capacity, you may render essential service to both countries.

In arriving at these conclusions the President requests me to assure you of his sincere regard for the President of Texas, and his regret that he has not been able to comply with his wishes in regard to your reception.

With sentiments of respect, I remain, yours truly,

JAMES BUCHANAN.

TO MR. TEN EYCK.[1]

(No. 1.) DEPARTMENT OF STATE,
WASHINGTON, 10th September, 1845.

TO ANTHONY TEN EYCK, ESQUIRE,
&c. &c. &c.

SIR:

You have received your Commission and have taken the oath required by the Constitution. Herewith are communicated to you,

[1] MSS. Department of State, Special Missions, I. 226.

1. A sealed letter from the President to the King and an open copy of the same.

2. A sealed letter accrediting you to the Minister for Foreign Affairs and an open copy of the same.

3. A Full Power.

4. A special passport.

5. A correct list of the diplomatic agents and consuls of the United States abroad.

6. Pamphlet edition of the laws of the United States subsequent to those contained in the 9th volume.

It is not deemed necessary to enter into particulars or give you detailed instructions respecting the unfortunate difficulties which have arisen between the Hawaiian authorities and your predecessor. It is to be hoped that the mere recall of Mr. Brown and your appointment, together with the President's letter to the King, will of themselves prove satisfactory to his Government, without further explanation. If this should not be the case, and no other alternative remains, you may then express the President's disapprobation of Mr. Brown's conduct; because, in his opinion, it has been justly offensive, in some particulars, to the Hawaiian authorities. This ought to be the last resort, as the President desires, if possible, to avoid any public censure of that gentleman's proceedings. He does not believe, however, that the interests of the country should suffer for the sake of sparing the feelings of an individual; especially when the question is with a feeble and inexperienced government just struggling into independent existence, which has so many claims upon the sympathy of the government and people of the United States as that of the Hawaiian Islands.

Your mission, under existing circumstances, is one of great importance. The United States have a deep stake in the continued independence of the Hawaiian Islands. They present one of those commanding commercial positions which Great Britain, judging from her past history, would be anxious to annex to her dominions. To promote the prosperity and secure the independence of these Islands, is therefore the clear policy as well as the duty of the Government of the United States. We could not view with indifference their transfer to or their dependence upon any European Power. From our commerce with these Islands and the number and value of our whaling vessels which resort to them annually, we have the deepest interest in maintaining the most friendly relations with their Government.

You are, therefore, instructed to cultivate a good and kind understanding with the King and the officers of his Government, by every honorable means in your power. It is expected that through your agency and exertions, the ancient friendly relations which had so long and so happily existed between the two countries, but which have for some time been partially interrupted, will be speedily restored.

One great cause of the difficulties between Mr. Brown and the Hawaiian authorities arose from his conduct as an Attorney in defending James Gray, an American seaman, before a Hawaiian court, on a charge for assault and battery. It was highly improper for a diplomatic representative of the United States to practise law in the courts of the country to which he was accredited, and, in the opinion of the President, is wholly inconsistent with the diplomatic character.

You will be furnished with full powers to negotiate a Treaty with the Hawaiian Government. I transmit you a copy of the Treaty now in existence between His Majesty and Great Britain. This may serve as a model for your Treaty; although you are not limited to its provisions, should experience present to your mind, after you reach the Islands, any other stipulation of importance. It has the merit of being both brief and comprehensive. If the Governments of Great Britain and France have modified the sixth article of their Treaties in such a manner as to enable the Hawaiian Government to impose a higher duty than five per cent upon wines and ardent spirits, you will consent to a similar modification. The cause of morality requires this concession. The United States, in their commercial arrangements, desire no advantage over other powers; and least of all would they wish to obtain them from the Hawaiian Government.

You will communicate the letter of the President to the King in the most acceptable manner. Regularly, and according to diplomatic usage, this ought to be done through the Minister for Foreign Affairs, and you will consult that officer after delivering him a copy, as to the proper mode of presenting the original. It would certainly be desirable that you should perform this duty in person; but feeble Governments are always the most jealous and tenacious as to forms of etiquette. According to the usage of civilized nations, no diplomatic agent whose official rank does not require that he should be accredited to the Executive head of a foreign Government is entitled to transact business with him or be formally presented to him. All Chargés

d'Affaires, and diplomatic agents below that rank, are accredited to the Minister for Foreign Affairs.

The President relies with confidence on your ability and prudence, and doubts not but that you will be instrumental in restoring and preserving the most friendly relations between the two Governments.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO MR. TEN EYCK.[1]

DEPARTMENT OF STATE,
WASHINGTON, 10th September, 1845.

TO ANTHONY TEN EYCK, ESQUIRE,
&c. &c. &c.

SIR:

It is expected that the United States frigate Congress will sail from Norfolk for the Pacific in the course of a few days, and will probably touch at the Sandwich Islands before any other vessel in which you might embark could arrive there. If, therefore, you should not have made different arrangements, you can have a passage in the Congress, and I am authorized to offer you one accordingly. Your instructions and other papers will be retained here until your decision is known, which I will thank you to communicate to the Department without any delay which can be avoided.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

P. S. I do not know where Mr. Turrell now is. He might be accommodated in the same manner, and I would thank you to communicate this information to him without delay.

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[1] MSS. Department of State, Special Missions, I. 225.

TO MR. FREEMAN.[1]

DEPARTMENT OF STATE,
WASHINGTON 15th Sept. 1845.

WM. H. FREEMAN ESQRE.
Philadelphia.

SIR,

Your letter of the 12th Inst. has been received—In compliance with your request, I herewith transmit to you a letter of appointment as Commercial Agent of the United States for the Island of Curaçao & its dependencies. In communicating to the Authorities of that Island your appointment as such, you are at liberty to express the hope entertained by the President that the difficulties which have heretofore prevented the recognition of a Consul of the U. States, may be speedily removed, by granting to you an Exequatur under the Consular Commission which you now hold.

I am Sir &c.

JAMES BUCHANAN.

TO MR. PETTIT.[2]

DEPARTMENT OF STATE,
WASHINGTON Sept. 16. 1845.

T. M. PETTIT ESQRE.
U. S. Dist. Atty.
Philada.

SIR,

Since my letter to you of the 27th Ulto: enclosing sundry Documents received at this Department from the Consul of the United States at Rio de Janeiro, relating to Captain Thomas Duling, Master of the Brigantine "Washington Barge," accused of having violated the Laws of the United States for the suppression of the Foreign Slave Trade, a despatch has been received from Alexander H. Tyler Esqre. U. S. Consul at Bahia de San Salvador, Brazil, referring to the same subject, and also to the case of the Brig "Albert" of Boston, Woodberry Master. A copy of which is now enclosed for your information,

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[1] MSS. Department of State, Despatches to Consuls, XII. 145.
[2] MSS. Department of State, Despatches to Consuls, XI. 407.

together with the original copies of documents accompanying Nos. 8, 10, 11, 12 & 13 excepted—these being copies of Protests & charges against Mr. Tyler.

I am, Sir, &c.

JAMES BUCHANAN.

TO MR. BLACK.[1]

(No. 1.) DEPARTMENT OF STATE,
WASHINGTON 17th Sept. 1845.

JOHN BLACK ESQRE.
U. S. Consul, Mexico.

DEAR SIR,

Information recently received at this Department both from yourself and others renders it probable that the Mexican Government may now be willing to restore the Diplomatic relations between the two Countries. At the time of their suspension General Almonte was assured of the desire felt by the President to adjust amicably every cause of complaint between the Governments and to cultivate the kindest and most friendly relations between the Sister Republics. He still continues to be animated by the same sentiments. It was his duty to place the Country in a condition successfully to resist the threatened invasion of Texas by Mexico; and this has been accomplished. He desires, however, that all existing differences should be terminated amicably by negotiation and not by the sword. He is anxious to preserve peace, although prepared for war.

Actuated by these sentiments, the President has directed me to instruct you in the absence of any Diplomatic Agent in Mexico, to ascertain from the Mexican Government whether they would receive an Envoy from the United States intrusted with full power to adjust all the questions in dispute between the two Governments. Should the answer be in the affirmative such an Envoy will be immediately despatched to Mexico.

If the President were disposed to stand upon a mere question of etiquette, he would wait until the Mexican Government, which had suspended the Diplomatic relations between the two Coun-

[1] MSS. Department of State, Despatches to Consuls, XI. 479. With the omission of the suggestion of Dr. Parrot as a person to consult, this instruction is printed entire in S. Doc. 337, 29 Cong. 1 Sess. 8; H. Ex. Doc. 196, 29 Cong. 1 Sess. 8; H. Ex. Doc. 60, 30 Cong. 1 Sess. 12.

tries, should ask that they may be restored. But his desire is so strong to terminate the present unfortunate state of our relations with that Republic, that he has consented to waive all ceremony and take the initiative.

Concerning the most polite and judicious mode of communicating with the Mexican Government, you will consult Dr. Parrot, a Citizen of the United States now in Mexico. He is a discreet man, well acquainted with public affairs, and possesses my confidence.

So soon as you shall have received the answer of that Government, you will communicate a copy of it without delay, by some safe opportunity, to F. M. Dimond Esqre., our Consul at Vera Cruz. You will also transmit a copy to this Department. It is of great consequence that you should use as much despatch as possible in executing this important commission. The future course of this Government may and probably will depend upon the answer which you may receive.

I need scarcely warn you to preserve the most inviolable secrecy in regard to your proceedings, making no communication to any person with the exception of Dr. Parrot not indispensable to the accomplishment of the object. There will be a Vessel of War at Vera Cruz ready to receive your Despatch for this Department, and to convey it to the United States with the least possible delay.

I shall transmit this Despatch under an unsealed cover, but with the strictest injunctions of secrecy to Mr. Dimond; as it is deemed advisable that he should be acquainted with its contents.

The President relies with confidence on your zeal and ability in executing the important duty committed to your charge.

Yours Very Respectfully

James Buchanan

TO MR. CLEMSON.[1]

No. 7. DEPARTMENT OF STATE,
WASHINGTON, 17th September, 1845.

THOMAS G. CLEMSON, ESQRE.,
etc., etc., Brussels.

SIR:—

I have the honor to acknowledge the receipt of your despatch, No. 10, of the 13th of March, which reached this Department on the 9th of May. The projet of a Treaty of Commerce and Navigation, between the United States and Belgium, which accompanied your despatch, has been submitted to the President. With a very few alterations,—and these only to render the sense more explicit,—it is entirely satisfactory to him; and I now transmit, by his direction, a full power, to negotiate and conclude a Convention accordingly. Upon comparing the draft, herewith transmitted, with the Projet, it will be seen what the alterations referred to are. The projet would have been returned to you sooner, but it was known that the Belgian Chambers would not be in session, and that, therefore, the delay could not retard the final conclusion of the Treaty.

It is unnecessary to refer you to the history of our past negotiations with the Belgian Government, and their unfortunate termination. The two Treaties heretofore proposed by Belgium, and rejected by her Chambers, after they had been ratified by the Senate of the United States, have taught this Government that they ought not to enter upon a third negotiation without a moral certainty that we shall not again be disappointed. The assurances which you have received, and communicated from the Belgian Government, and especially that from Mr. Northomb, leave no room for reasonable doubt upon this subject.—Still the recent change of Ministry may have produced a change of policy in regard to the Treaty; and if such should prove to be the case, then a third abortive attempt ought not to be made. Such a result could not fail to excite unfriendly feelings on the part of this Government towards that of Belgium. The passage of the law "des droits differentiels" seems to render it highly probable that the Chambers would sanction the Treaty.

It is deemed indispensable, however, that the Treaty, which

[1] MSS. Department of State, Instructions, Belgium, I. 57. Mr. Clemson was commissioned from Pennsylvania, June 17, 1844, as chargé d'affaires to Belgium. He left Brussels, March 1, 1851.

you may conclude, shall receive the sanction of the whole Treaty-making power of Belgium, before it can be submitted to the Senate of the United States; and that the ratifications of it shall be exchanged at Washington, and not Brussels.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO MR. CLEMSON.[1]

No. 8. DEPARTMENT OF STATE,
WASHINGTON, 18th September, 1845

THOMAS G. CLEMSON, ESQRE.
etc., etc., Brussels:—

SIR:—

I have received your despatch No. 7, dated on the 25th January, and with it the projet of a Treaty of Extradition with the United States, communicated by the Belgian Minister of Foreign Affairs to yourself, and transmitted by you to this Department. It is certain that the purposes of justice would be subserved by the conclusion of such a Treaty. The difficulty will be in arranging the details between two countries whose criminal laws and institutions are so entirely different as those of Belgium and the United States. A similar difficulty was presented and overcome in negotiating our Treaty with France. I herewith transmit you a copy of it. The original was prepared with much care and consideration. Should the Belgian Government consent to adopt a Treaty containing the same provisions, the President will agree to such an arrangement. In that event, they might furnish their Chargé d'Affaires to this Country with full powers to conclude such a Treaty. Beyond the provisions of the French Treaty the President, as at present advised, would not be willing to proceed. Whether the Belgian Government, under their law respecting the surrender of criminals to foreign countries, would feel themselves at liberty to conclude such a Treaty, may be a question. This law was evidently intended to regulate the daily intercourse with neighbouring nations whose laws and institutions are similar to their own, and not to form

[1] MSS. Department of State, Instructions, Belgium, I. 59.

the basis of a Treaty of extradition between Belgium and the United States.

There is no copy of the criminal code of Belgium within my possession or power. You will please to ascertain whether the crimes specified in the second, and in the additional article of our Treaty with France, are the same according to the Belgian and the French code: and if not, wherein they differ.

I repeat that we are willing to conclude a Treaty of extradition with Belgium similar to our Treaty with France, provided the criminal code of Belgium, in regard to the crimes specified, would render such a Treaty proper.

I would thank you to transmit to me extracts from the Belgian Criminal code, of the provisions relative to "assassination, patricide, infanticide and poisoning," of the second article, and also to the "vol qualifié crime," of the additional article, of our Treaty with France.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

FROM MR. SLIDELL.[1]

NEW ORLEANS, 25 Septr. 1845.

MY DEAR SIR.

You can scarcely imagine how much I was surprised to day by receiving your most kind & friendly letter of the 17th inst.

I have never at any time believed that we should have war with Mexico. I have looked upon the rhodomontades of the press & the manifestoes of Secretaries, as alike having but one object in view, the presidential contest, & in this point of view I considered it of little consequence who should be elected. He who had been most strenuous in proclaiming war as indispensable to the vindication of Mexican honor, would, when installed in the presidential chair, "roar you as mildly as a nightingale." The truth is that although I have no very exalted idea of the calibre of Mexican intellect, yet I cannot imagine that any one who could by possibility be elected president, could have so small a modicum of sense as to think seriously of going to war with [the] United States. But strong as I have been in this belief, I

[1] Buchanan Papers, Historical Society of Pennsylvania. This letter is printed, with omissions, in Curtis's Buchanan, I. 591. In a note, Curtis says: "John Slidell of New Orleans, at this time a Representative in Congress from Louisiana, was the same person who became famous all over the world, along with his colleague, Mr. Mason, during our civil war, after they were seized from on board the British steam-packet Trent, on their way as Confederate envoys to England, brought to the United States, imprisoned, and afterwards released."

had not thought that the government would have been prepared so soon to receive from us an accredited agent. I think with you that they desire to settle amicably all the questions in dispute between us, but will they dare in the present distracted state of the country, to give so great a shock to what is there called public opinion? They have stimulated popular prejudice to a degree that may render any appearance of disposition to treat with us fatal to the new administration. But of all this you have infinitely the best means of judging, & I shall hold myself in readiness to receive your instructions. I feel most deeply the importance of the mission, & I confess, now that it is probable I shall soon enter upon it, I have some misgivings about it. I hope that you will not consider this as an affectation of modesty & humility. I assure you I am perfectly sincere, but will probably grow in better favor with myself when the work is fairly commenced. I am truly grateful to you for the proof of your friendship & esteem, & am flattered by the confidence reposed in me by the President. I shall endeavor to justify them.

The President has enjoined on me the strictest secrecy. He even goes so far as to say, that I should not communicate what he had said, to a single human being. I have told him, that I was obliged to make an exception in favor of Mrs. S., but as I could not well enter into particulars with him on this subject, pray let me explain it to you. If I had made an unreserved pledge to the President, I could not have felt myself at liberty to hint it even to my wife. I could have made no preparations for my voyage without her knowing it. We were making our arrangements to proceed shortly to Washington. If I were mysterious with her, she would be shrewd enough to guess what was in the wind. She would have some theory to guide her, because you may recollect that when you first broached this subject with me, I told you that I had no secrets for her. Now I am not one of those who believe that a woman cannot keep a secret. I know *she* can, for I am sure that she has never breathed a word respecting it to any one, not even to her mother. Besides, she is living in the country, where we seldom see any one & where there is little gossiping. Pray explain this to the President, who might perhaps consider my disobedience of his injunction as an inauspicious omen in the opening of my diplomatic career. It is a matter of great regret to me not to have the opportunity of full personal communication with you before going to Mexico. I feel that it will be a great disadvantage, but I must rely upon your alleviating it as far as possible by your communications & instructions. Do you know Mr. Dimitry, who was for some time a clerk in the State Department & afterwards Secretary of the Mexican commission? He is intelligent & highly educated, speaking French & Spanish perfectly, & would make an admirable Secretary of Legation. He is not well satisfied with his present employment, & I have no doubt would gladly accept the appointment, although I speak entirely from conjecture, never having sounded him on the subject. I will not fail to convey your very flattering message to Mrs. S. I think I must get her to write to you, to remove an impression which I fear you have taken up. She will tell you that I am one of the best tempered men living. I have written in great haste, having barely had time to save the mail. Believe me, my dear sir, most truly & respectfully,

Your friend & servant JOHN SLIDELL.

HON. JAMES BUCHANAN.

TO MR. TODD.[1]

WASHINGTON 26 September 1845.

MY DEAR SIR/

The next Steam Packet from Boston will carry your letter of recall from St. Petersburg. In pursuing this course, the President has been actuated by no unfriendly feelings towards yourself. On the contrary, you will have remained at your post, until you shall have completed the term of four years;—a period quite as long as a Minister from this Country usually continues abroad. On a change of administration it is to be expected that there will be a corresponding change in our important Diplomatic missions, and especially in those where the incumbent has served a reasonable time. I am persuaded, therefore, that this announcement will not take you by surprise.

We have little news here except what you will see in the public Journals. We have just received advices from Texas that their Convention had finally adjourned. They have conducted all their proceedings in a most orderly & proper manner; and it is not apprehended that any difficulties will occur to prevent the new State from taking her station in the Union at the commencement of the next Session of Congress.

It is yet uncertain whether we shall have war with Mexico; but from present appearances this is not very probable.

I hope this may reach you in time to enable you to take your departure from St. Petersburg before the close of navigation in the Baltic. I should have written to you sooner, but for an impression existing here that you intended to return during the present Autumn.

Yours very respectfully

JAMES BUCHANAN.

HON: CHARLES S. TODD.

P. S. Your successor will not be appointed until the meeting of the Senate.

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[1] Buchanan Papers, Historical Society of Pennsylvania. The official announcement to Mr. Todd of his recall is dated Sept. 25, 1845. (MS. Inst. Russia, XIV. 71.)

TO MR. WISE.[1]

No. 18. DEPARTMENT OF STATE,
WASHINGTON, 27th September, 1845.

TO HENRY A. WISE, ESQUIRE,
etc., etc., etc.

SIR:—

The press of important business and the desire first to hear from the Brazilian Minister in this City on the subject, have hitherto prevented me from noticing your controversy with the Brazilian Government in relation to the American Brig Porpoise.

On the day after Mr. Lisboa was presented to the President in his new character of Envoy Extraordinary and Minister Plenipotentiary, he called at the Department of State in obedience (as he said) to instructions from his Government, for the purpose of communicating to me a message from the present Brazilian Minister for Foreign Affairs. The purport of this message was, to express the regret of that functionary that any controversy had arisen between yourself and his Government in relation to the Porpoise, and his desire that the whole subject might be buried in oblivion:—That the Brazilian Government felt the strongest desire to cultivate the most friendly relations with the United States, and with yourself as their Representative (Mr. Lisboa adding that you and Mr. Limpo d'Abreo were personally on very good terms:)—That the whole affair might probably have been adjusted at the time to your satisfaction, had it not been for the forcible detention of those Brazilian subjects on board the Porpoise, who, after landing, had returned to the vessel for their baggage, accompanied by a Custom House officer:—But that the excitement throughout the City of Rio, consequent upon this violation of their jurisdiction in their own harbor, had rendered it necessary for them to assert their rights as an independent nation. Mr. Lisboa concluded by expressing the wish that the whole transaction might be forgotten on both sides as if it never had been.

I expressed no opinion in relation to your conduct, but united with him in the desire that the most friendly relations might

[1] MSS. Department of State, Instructions, Brazil, XV. 119. Mr. Wise was commissioned envoy extraordinary and minister plenipotentiary to Brazil, Feb. 8, 1844. His mission was ended with the presentation of his successor's credentials, Aug. 28, 1847.

continue to subsist between the two Governments, and that all past differences might be forgotten.

Previously to this conversation with Mr. Lisboa, I had partly prepared a despatch to you, reviewing all the circumstances of the case; but I now deem it unnecessary to proceed with it further. Still, the principles of public law involved in the case are so important, especially to the United States, as to render it proper that I should address you some observations on the subject.

Whilst the President cannot approve your proceedings in relation to the Porpoise, he entertains no doubt of the purity and patriotism of your motives. If you have infringed the rights of an independent and friendly nation, this has been occasioned by your zeal in the cause of humanity, and your desire to suppress the odious and infamous African slave trade which yet disgraces the civilization of the nineteenth century. Still, a motive so laudable is no justification for a violation of the national sovereignty of Brazil, however powerfully it may plead your excuse.

By direction of the President, I shall proceed to state a few principles of public law, by which he expects your future conduct to be governed should an occasion arise to put them in practice.

Without entering upon any general discussion of the subject, it is very clear, that the jurisdiction of every independent nation over the merchant vessels of other nations lying within its own harbors, is absolute and exclusive. Nothing but its authority can justify a ship of war belonging to another nation in seizing or detaining a vessel thus situated for any cause or pretext whatever. Neither argument nor authority need be adduced in support of so plain a proposition. If this were not a maxim of public law, the sovereignty of nations within their own territories would be thus far annihilated. There is no power on earth which would assert and maintain this principle with more determination and energy than the United States; and, therefore, there is no power which ought more carefully to avoid any violation of it in their conduct towards other nations. If a British or French vessel of war within one of our harbors were to seize or detain any merchant vessel for any cause whatever, and especially with American citizens on board, without the authority of this government, it would kindle a flame of indignation throughout the whole country.

It is true that the American marine guard was placed on board the Porpoise by Commodore Turner then in command

of the Raritan frigate, at the instance of Mr. Gordon, our Consul and with the consent of a Brazilian police officer; but this guard, according to your own statement, was only to "remain until the proper authorities of Brazil could be apprised of the case." The moment, then, that these authorities had manifested their desire that the vessel should no longer remain in the custody of the Commodore, the guard ought to have been instantly removed. After this decision of the supreme authority, its continuance on board was a violation of the territorial jurisdiction of Brazil. Besides, its continuance there was, also, a violation of the very condition on which it was permitted to enter, even if this could affect the question of sovereign power.

This mistake was the origin of all the unfortunate events which followed and of the fatal consequences which might have ensued. Your conduct proceeded from a desire to send the vessel to the United States, in order that the guilty might be tried and punished, and your ardor in the pursuit of this laudable purpose caused you to forget what was due to Brazil.

Even if you had a right, under the law of nations, to demand from Brazil that the vessel and persons on board should be surrendered to the United States, I do not perceive how this could justify their forcible detention from the Brazilian authorities until these should decide the question of extradition. The violation of national sovereignty would be the same whilst the detention endured, notwithstanding your avowal that this should cease upon their decision of the question. Even if extradition were a perfect right, it could not be maintained that a nation claiming a fugitive from justice, might under its own authority first imprison him within the territories of the nation to which he had fled, and then justify itself for not releasing him on the demand of the latter, until the moment when the question of the extradition should be decided.

But the practice of nations tolerates no right of extradition. Whatever elementary authors may say to the contrary, one nation is not bound to deliver up persons accused of crimes who have escaped into its territories on the demand of another nation against whose laws the alleged crime was committed. The Government of the United States has from the very beginning acted on this principle. Mr. Jefferson, when Secretary of State, under the administration of General Washington, declared that "the laws of this country take no notice of crimes committed out of their jurisdiction. The most atrocious offender coming with-

in their pale is received by them as an innocent man, and they have authorized no one to seize or deliver him." It has been contrary to the practice of the United States even to request as a favor that the Government of another country should deliver up a fugitive from criminal justice; because under our laws we possess no power to reciprocate such an act of grace. Since I came into the Department of State, the President, after full deliberation with his Cabinet, refused for this reason to prefer such a request to the Government of Texas. The truth is that it has been for a long time well settled both by the law and practice of nations, that, without a treaty stipulation, one Government is not under any obligation to surrender a fugitive from justice to another Government for trial.

The Government of the United States has always manifested reluctance to grant this privilege to other nations, even by Treaty. This country has been the asylum of oppressed foreigners driven from other countries by political persecution. In concluding the only three Treaties of extradition to which the United States have ever been parties, we have always been careful to exclude political offences from their operation. The few crimes embraced by their provisions have been specifically enumerated and our jurisdiction over the fugitives has been carefully preserved until the moment of extradition.

At present we have no treaties of extradition except with England and France, and these are of recent date. They each specify but few crimes, and the fugitive is not to be surrendered unless such evidence of his criminality is produced as would justify his apprehension and commitment for trial according to the laws of the country to which he has fled. The warrant for his apprehension must be issued and the evidence of his criminality must be heard before the judicial authorities of the country in which he is found; and if they be satisfied that the proof is sufficient to sustain the charge, they certify the same to the proper Executive, who then and not till then, surrenders him to the authorities of the country from which he has fled. You will observe how carefully these Treaties preserve the jurisdiction of the nation on which the requisition is made over the person of the fugitive until the very moment of the final surrender. Neither the Consuls nor other officers of the government demanding the surrender under the Treaty can exercise the least agency either in taking testimony or in performing any other preliminary act towards the accom-

plishment of the extradition. All is left to the jurisdiction of the country within which the fugitive is found.

I would call your attention to the ninth article of our Treaty with Great Britain concluded at Washington on the 9th August, 1842. By this article the contracting powers have stipulated to each other "that they will unite in all becoming representations and remonstrances with any and all Powers within whose dominions slave markets are allowed to exist, and that they will urge upon all such powers the propriety and duty of closing such markets effectually, at once and forever." In consequence of an informal understanding with the British Government in 1843, these remonstrances are not to be made jointly, but by each nation separately. You are, therefore, instructed to omit no occasion, wherever in your judgment this can be done with the prospect of a beneficial effect, to urge upon the authorities of Brazil such representations and remonstrances as, without giving offence, will be best calculated to accomplish the humane and important object provided for by the Treaty and which the Government and people of the United States have so much at heart.

Your despatches to No. 28, inclusive, with the exception of No. 24, and those without number, dated the 9th of last month, have been received.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO MR. SUTHERLAND.[1]

DEPARTMENT OF STATE,
WASHINGTON, October 15, 1845.

T. J. SUTHERLAND,
(White Plains, Westchester co., N. Y.)

SIR:

Upon an examination of our lists of American prisoners remaining in Van Dieman's land at the beginning of the current year, it is found that applications have already been made to the British Government in behalf of the individuals therein referred to, with the exception of the sixteen whose names are appended

[1] MSS. Department of State, 35 Domestic Letters, 292.

to the foot of this letter. If, therefore, you will cause a petition to be prepared in the usual form, addressed to her Britannic Majesty, for the pardon of these men, and will forward it to this Department, no time will be lost in transmitting it to our Minister in London, who will communicate it to Her Majesty's Government, for favorable consideration. This is the course that has been heretofore pursued on similar occasions, and no doubt is entertained that application thus made will prove successful.

I am &c.

JAMES BUCHANAN.

LIST: William Reynolds, John Sprague, Chauncey Mathers, Calvin Mathers, Horace Cooly, George Cooly, James Wagoner, James Inglish, Asa H. Richardson, Simeon Gutrich, Michael Murry, Joseph Lafort, Patrick White, Hugh Calhoun, John Bradley, Orlin Blodget (alias "Orlip Budget.")

TO MR. McLANE.[1]

(No. 11.) DEPARTMENT OF STATE,
WASHINGTON, 16th Octr., 1845.

LOUIS McLANE, ESQRE.,
&c., &c., &c.

SIR:

Having communicated to Messrs. Gilman, Small, & Coy., of New York, a copy of the note addressed to you by Her Majesty's principal Secretary of State for Foreign Affairs on the 15th ultimo, in relation to their claim on the British Government for compensation for the loss of certain property belonging to them, which was destroyed in the factory of Mrs. Lightbourne, on the western coast of Africa, in April, 1841, by an armed force from some of Her Majesty's cruisers, then on that station,—I have now the honor to transmit to you a transcript of a letter addressed by them to this Department on the 13th instant, signifying their acceptance of the proposition contained in the note of Lord Aberdeen. You will accordingly inform His Lordship of the willingness of Messrs. Gilman, Small, & Co.

[1] MSS. Department of State, Instructions, Great Britain, XV. 264. The money was duly paid. (Mr. Buchanan, Secretary of State, to Messrs. Gilman, Small & Co., Jan. 21, 1846, 35 MS. Dom. Let. 381.)

to accept the proposed sum in indemnification of the injury sustained by them on the occasion referred to, and of your readiness to receive the amount named, $1706.60,—which, when paid, you will remit to this Department to be handed over to the parties interested.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN

TO MR. SHIELDS.[1]

(No. 7.) DEPARTMENT OF STATE,
WASHINGTON, 16th October, 1845.

To B. G. SHIELDS, ESQUIRE,
&c. &c. &c.

SIR:

Commodore John D. Daniels has invoked the aid of this Department in prosecuting a claim against the Government of Venezuela on account of the seizure of two vessels, the Erie and Diligence, and their cargoes, by the Government of Colombia. The history and present state of this claim are so fully and clearly detailed by your predecessor Mr. Ellis, in his despatch to this Department of the 13th May, 1845, (No. 17) that I deem it unnecessary to descend into the particulars.

From this despatch you will learn that the claim was adjusted by a compromise between the Executive Council of Venezuela and Commodore Daniels, and that his original demand was reduced from the sum of $290,009.59 100 to that of $100,000. The payment of the proportion of this sum (28½ per cent) due from Venezuela was strongly recommended to the Congress of that Republic by the Executive, but they refused to make the necessary appropriation.

This Department has long interposed in vain in behalf of our injured citizens having claims on Venezuela. A sincere regard for our sister Republic and a consideration of her peculiar circumstances have been the cause of our unexampled forbearance. But this must cease. Other governments have adopted a summary mode of obtaining justice from that Government which it would be painful in the extreme for us to be compelled to imitate. Still, should you be as unsuccessful as your predeces-

[1] MSS. Department of State, Instructions, Venezuela, I. 57.

sors, the period will then have arrived when further forbearance will be no longer possible. Before the termination of the next session of Congress, the President will in that event bring the whole subject to their notice.

The claim of Commodore Daniels now stands out in bold relief. It differs from other claims in this important particular, that it has been already adjusted by the Executive Council, legally authorized for this purpose and composed of the most distinguished officials of the Republic. If their Congress, under all the circumstances, can be permitted to withhold an appropriation to discharge such a claim, we may at once abandon the hope of peacefully obtaining satisfaction of the just demands of American citizens against Venezuela.

You are, therefore, specially instructed to make a demand on the Government of Venezuela for their proportion of the amount due to Commodore Daniels, and insist upon its speedy payment. You will immediately report their answer to this Department, to be laid before Congress, if necessary.

You will, as soon as possible, communicate to this Department in detail the present state of all the claims of American citizens on Venezuela;—what you may have done in regard to each, and what are the prospects of success. The President has determined not to suffer the next session of Congress to terminate without bringing all our just claims against the different Republics of which Colombia was composed, to the special attention of that Body.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO MR. SAFFORD.[1]

DEPARTMENT OF STATE,
WASHINGTON, October 16, 1845.

PLINY SAFFORD, ESQ.
Westminster, Vt.

SIR:

I have to acknowledge the receipt of your note of the 9th ultimo, enclosing a petition addressed to H. B. My, by certain of the inhabitants of the county of Windham, in the state of

[1] MSS. Department of State, 35 Domestic Letters, 291.

Vermont, in behalf of Riley Whitney, one of the American prisoners in Van Dieman's land, convicted of having been concerned in the civil commotion in Canada, in 1838, and to inform you, in reply, that a pardon was extended to the said Whitney, on the application of Mr. Everett, our Minister at London, in the month of February last, on condition that the conduct of the prisoner, whilst in Van Dieman's land, has not been such as justly to forfeit his claims to this indulgence.

I am &c.

JAMES BUCHANAN.

TO MR. LARKIN.[1]

DEPARTMENT OF STATE,
WASHINGTON, October 17th, 1845.

THOMAS O. LARKIN, ESQUIRE,
Consul of the United States at Monterey.

SIR:

I feel much indebted to you for the information which you have communicated to the Department from time to time in relation to California. The future destiny of that country is a subject of anxious solicitude for the Government and people of the United States. The interests of our commerce and our whale fisheries on the Pacific ocean demand that you should exert the greatest vigilance in discovering and defeating any attempts which may be made by foreign governments to acquire a control over that country. In the contest between Mexico and California we can take no part, unless the former should commence hostilities against the United States; but should California assert and maintain her independence, we shall render her all the kind offices in our power, as a sister Republic. This Government has no ambitious aspirations to gratify and no desire to extend our federal system over more territory than we already possess, unless by the free and spontaneous wish of the independent people of adjoining territories. The exercise of compulsion or improper influence to accomplish such a result, would be repugnant both to the policy and principles of this Government. But whilst these are the sentiments of the President, he could not view with indifference the transfer of California to Great Britain

[1] MSS. Department of State, Special Missions, I. 230.

or any other European Power. The system of colonization by foreign monarchies on the North American continent must and will be resisted by the United States. It could result in nothing but evil to the colonists under their dominion who would naturally desire to secure for themselves the blessings of liberty by means of republican institutions; whilst it must prove highly prejudicial to the best interests of the United States. Nor would it in the end benefit such foreign monarchies. On the contrary, even Great Britain, by the acquisition of California, would sow the seeds of future war and disaster for herself; because there is no political truth more certain than that this fine Province could not long be held in vassalage by any European Power. The emigration to it of people from the United States would soon render this impossible.

I am induced to make these remarks in consequence of the information communicated to this Department in your despatch of the 10th July, last. From this it appears that Mr. Rea, the Agent of the British Hudson Bay Company, furnished the Californians with arms and money in October and November, last, to enable them to expel the Mexicans from the country; and you state that this policy has been reversed, and now no doubt exists there, but that the Mexican troops about to invade the province have been sent for this purpose at the instigation of the British Government; and that "it is rumored that two English houses in Mexico have become bound to the new General to accept his drafts for funds to pay his troops for eighteen months." Connected with these circumstances, the appearance of a British Vice Consul and a French Consul in California at the present crisis, without any apparent commercial business, is well calculated to produce the impression, that their respective governments entertain designs on that country which must necessarily be hostile to its interests. On all proper occasions, you should not fail prudently to warn the Government and people of California of the danger of such an interference to their peace and prosperity; to inspire them with a jealousy of European dominion, and to arouse in their bosoms that love of liberty and independence so natural to the American Continent. Whilst I repeat that this Government does not, under existing circumstances, intend to interfere between Mexico and California, it would vigorously interpose to prevent the latter from becoming a British or French Colony. In this they might surely expect the aid of the Californians themselves.

Whilst the President will make no effort and use no influence to induce California to become one of the free and independent States of this Union, yet if the people should desire to unite their destiny with ours, they would be received as brethren, whenever this can be done without affording Mexico just cause of complaint. Their true policy for the present in regard to this question, is to let events take their course, unless an attempt should be made to transfer them without their consent either to Great Britain or France. This they ought to resist by all the means in their power, as ruinous to their best interests and destructive of their freedom and independence.

I am rejoiced to learn that "our countrymen continue to receive every assurance of safety and protection from the present Government" of California and that they manifest so much confidence in you as Consul of the United States. You may assure them of the cordial sympathy and friendship of the President and that their conduct is appreciated by him as it deserves.

In addition to your Consular functions, the President has thought proper to appoint you a confidential agent in California; and you may consider the present despatch as your authority for acting in this character. The confidence which he reposes in your patriotism and discretion is evinced by conferring upon you this delicate and important trust. You will take care not to awaken the jealousy of the French and English agents there by assuming any other than your Consular character. Lieutenant Archibald H. Gillespie of the Marine Corps will immediately proceed to Monterey, and will probably reach you before this despatch. He is a gentleman in whom the President reposes entire confidence. He has seen these instructions and will coöperate as a confidential agent with you, in carrying them into execution.

You will not fail by every safe opportunity to keep this Department advised of the progress of events in California and the disposition of the authorities and people towards the United States and other Governments. We should, also, be pleased to learn what is the aggregate population of that province and the force it can bring into the field.

What is the proportion of Mexican, American, British and French citizens and the feelings of each class towards the United States, the names and character of the principal persons in the Executive, Legislative and Judicial Departments of the Government and of other distinguished and influential citizens. Its

financial system and resources; the amount and nature of its commerce with foreign nations; its productions which might with advantage be imported into the United States and the productions of the United States which might with advantage be received in exchange.

It would also be interesting to the Department to learn in what part of California the principal American settlements exist, the rate at which the settlers have been and still are increasing in number;—from what portions of the Union they come and by what routes they arrive in the country.

These specifications are not intended to limit your inquiries. On the contrary, it is expected that you will collect and communicate to the Department all the information respecting California which may be useful or important to the United States.

Your compensation will be at the rate of six dollars per day from the time of the arrival of this Despatch or of Lieutenant Gillespie at Monterey. You will also be allowed your necessary travelling and other expenses incurred in accomplishing the objects of your appointment; but you will be careful to keep an accurate account of these expenditures and procure vouchers for them in all cases where this is practicable without interfering with the successful performance of your duties. For these expenses and your per diem allowance, you are authorized to draw from time to time on the Department.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO MR. BAIRD.[1]

DEPARTMENT OF STATE,
WASHINGTON, October 22, 1845.

REV. R. BAIRD.

MY DEAR SIR:

I greatly regret that I do not feel myself at liberty to comply with the request contained in your letter of the 15th instant. I would to God that the Governments of all countries, like that of our own happy land, might permit knowledge of all kinds to circulate freely among the people. It is our glory that all men within the United States enjoy the inestimable right of wor-

[1] MSS. Department of State, 35 Domestic Letters, 299.

shipping God according to the dictates of their own Conscience. In Sardinia, however, the case is unhappily far different. There they have a state religion, and a strict censorship of the press; and they exclude all books of every kind, except such as are in accordance with their own faith and principles. They have their system, and we have ours; and it has ever been the policy of this Government not to interfere with the internal regulations of foreign Governments, more especially in questions of religion. From the jealous character of the Sardinian Government, it is almost certain that our interposition would be unavailing; and the attempt might injure, instead of proving beneficial to the Waldenses themselves.

Your information in respect to the Baptist Missionary who was imprisoned at Hamburg is not correct.—This you will perceive from a copy of Mr. Forsyth's letter to our consul at Hamburg, which I enclose to you. The Missionary had been released before Mr. Forsyth's letter reached Hamburg. Had he been an American citizen, it would have been the duty of this Government to interpose its good offices for the purpose of relieving him from imprisonment. The case of requesting permission to introduce books into a country, prohibited by the State religion and the State policy, is far different.

I have had a conversation on this subject with our excellent friend, Walter Lowrie, Esq., who entirely concurs with me in opinion, that we ought not to interfere, and if we should, that our interference would prove unavailing. Such is, also, the judgment of the President.

It is with sincere pain that I feel myself constrained to deny your benevolent request.

With sentiments of the highest respect, I remain, Dear Sir, sincerely your friend,

JAMES BUCHANAN.

TO MR. DOWNS.[1]

DEPARTMENT OF STATE,
WASHINGTON, October 22, 1845.

SOLOMON W. DOWNS, ESQ.
U. S. Atty. for the District of La. N. O.

SIR:

I transmit to you, herewith, the translation of a letter, together with a copy of the enclosure therein referred to, addressed to this Department on the 30th of August last, by the Count de Montalto, Chargé des Affaires of his Sardinian Majesty at Washington, complaining of the infraction by the state of Louisiana, of the 18th article of the treaty of 26th November, 1838, between the United States and Sardinia, in levying a duty of ten per cent. on a legacy of $1000 left to Se. Fortunato Assereto, of Genoa, by his late brother, Jean Baptiste Assereto, who died in Louisiana. A perusal of these papers will show you that the complaint is well grounded, and that the tax, amounting to $100, received by the State Treasurer from the testamentary executor of the estate of the late Jean Baptiste Assereto, was improperly imposed and collected. It is presumed that this exaction was made without a knowledge on the part of the State Treasurer of the conventional stipulations subsisting between the two countries relating to this subject, and there is little room to doubt that the officer referred to will, on a proper representation of this matter, which you are hereby requested to make to him without unnecessary delay, refund the amount erroneously paid over to him by Mr. Chiti.

It would also be well respectfully to call the attention of the Executive of the State to this subject, and at the same time suggest the propriety of his bringing to the attention of the Legislature the necessity of removing from the statute book, or at least of modifying, the law of 26th March, 1842, entitled: "An act to increase the revenue of the State of Louisiana," so as to avoid, in future, any conflict between its provisions and our treaty obligations with foreign powers, relative to the disposition of the property of Aliens dying within the jurisdiction of the U. States.

I am, &c.,

JAMES BUCHANAN.

[1] MSS. Department of State, 35 Domestic Letters, 296.

TO MR. PAKENHAM.[1]

DEPARTMENT OF STATE,
WASHINGTON, 22d Octr., 1845.

THE RIGHT HONBLE. RICHARD PAKENHAM,
&c., &c., &c.

SIR:

Referring to my note of the 18th of August last acknowledging the receipt of your communication of the 7th of July, and transmitting a copy of the reply received from the United States' Attorney for the Eastern District of Florida, (to whom a copy of your communication had been sent,) in which he requested to be furnished, if possible, with more detailed information respecting the cases therein mentioned, I have now the honor to transmit to you an extract from a letter just received at the Department from the same officer, from which it appears, that, after the most diligent and attentive inquiry, he has been unable to learn that any cases of the kind referred to have occurred upon that coast within the period of nineteen years past, during all of which time he has held the office of United States' Attorney for that District—that he has certainly never heard of the occurrence of any such cases within that time—and that the general result of his inquiries leads him to believe that no such cases have occurred there.

Hoping that Her Majesty's Government will find in the report of Mr. Douglas a satisfactory refutation of charges reflecting so much discredit on the humanity of the inhabitants of the Eastern Coast of Florida, I avail myself of this occasion to renew to you assurances of the high consideration with which I am, Sir, your obedient servant,

JAMES BUCHANAN.

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[1] MSS. Department of State, Notes to Great Britain, VII. 121.

TO MR. DIMOND.[1]

DEPARTMENT OF STATE,
WASHINGTON Oct. 22nd 1845.

F. M. DIMOND ESQRE.
U. S. C. Vera Cruz.

SIR,

Your letters to No. 263 inclusive have been received, Nos. 234, 235, & 248 excepted, of which last you will please transmit duplicates.

The information which you have from time to time communicated, respecting the dissensions pervading Mexico—the monetary condition of the Government—the rumored movements of Troops towards Texas, and the policy of the principal Mexican Leaders, has been highly interesting to the Department, and the zeal which you have evinced in keeping it constantly advised of the progress of events in Mexico, is duly appreciated.

I am &c.

JAMES BUCHANAN.

TO MR. BLACK.[2]

DEPARTMENT OF STATE,
WASHINGTON Oct. 24. 1845.

JOHN BLACK ESQRE.
U. S. C. Mexico.

SIR,

Your letters to No. 348 inclusive, with the enclosures referred to, have been received.

I am indebted to you for the information communicated in regard to the political condition of Mexico, and hope that you will by every safe opportunity, continue to keep the Department advised of all important and interesting public events as they occur, and especially such as may be in any way calculated to affect the interests of this Government. I am Sir &c.

JAMES BUCHANAN.

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[1] MSS. Department of State, Despatches to Consuls, XI. 413.

[2] MSS. Department of State, Despatches to Consuls, XI. 416. A similar acknowledgment was made by Mr. Buchanan to J. P. Schatzell, Esqre., U. S. Consul at Matamoras, Oct. 28, 1845, and to Franklin Chase, Esqre., U. S. Consul at Tampico, Oct. 29, 1845, id. 417, 419.

TO MR. LEIPER.[1]

WASHINGTON 24 October 1845.

MY DEAR SIR/

I have received yours of the 21st Instant. There are insuperable objections to the appointment of any but American Citizens to Foreign Consulates; & I cannot encourage you to hope that a British subject will be selected for Londonderry, no matter how respectable. I wrote to William two or three days ago, offering the place to Mr. Taylor's son. Should he refuse, a selection will be immediately made among the respectable applicants anxious for the situation.

I should be glad to see your honest face once more. Why can't you pay us a visit? I shall give you a most hearty welcome & wholesome advice, together with as much old wine as will do you good.

Remember me in kindness to Samuel & Edwards & believe me ever to be sincerely your friend as you have ever been mine.

JAMES BUCHANAN.

HON: GEORGE G. LEIPER.

TO GENERAL ALVEAR.[2]

DEPARTMENT OF STATE,
WASHINGTON, October 25, 1845.

With his note under date the 29th of May last, the Undersigned, Secretary of State of the United States, had the honor to transmit to General Alvear, Minister Plenipotentiary and Extraordinary of the Argentine Confederation, a copy of a letter addressed to this Department by the Secretary of the Navy, together with a transcript of the charge and specifications against Captain Voorhees, growing out of certain acts committed by that officer while in command of the frigate CONGRESS against the force of the Argentine Confederation engaged in blockading Monte Video. The Undersigned has now the honor to transmit to General Alvear a copy of another communication from the Secretary of the Navy, accompanied by a transcript of the finding

[1] Buchanan Papers, Historical Society of Pennsylvania.

[2] MSS. Department of State, Notes to Argentine Republic, VI 17. See footnote to note to General Alvear, May 29, 1845, supra

and sentence of the Court Martial and of the letter of reprimand addressed to Captain Voorhees by the Navy Department.

The Undersigned trusts that in the proceedings which at its instance have taken place, and in their result, the government of the Argentine Confederation will see a satisfactory proof of the disposition entertained by this government to respect the rights of Buenos Ayres.

The Undersigned avails himself of this occasion to offer General Alvear renewed assurances of his very distinguished consideration.

JAMES BUCHANAN.

TO THE BRIGADIER-GENERAL DON CARLOS DE ALVEAR,
&c. &c. &c.

TO JUDGE BETTS.[1]

DEPARTMENT OF STATE,
WASHINGTON, October 27, 1845.

SAMUEL K. BETTS, ESQ.
(Judge of the U. S. Dist. court
for the Southern District of New York.)

SIR:

In June 1844 a Prussian vessel arrived in the harbor of New Bedford, and there the crew had a dispute with the captain. The particular facts have not been stated to me with precision, nor is it necessary for my purpose to trouble you with them in detail. It is sufficient to say, that in answer to an application made by the Prussian consul to the late Judge Story, he decided that he could not execute the 10th article of our Treaty with Prussia, without an act of Congress; and before his death he had prepared a bill for the purpose, which was found among his papers after his death, and is now in my possession.

The question is: can an award made by a consul in pursuance of the 10th article of the Treaty with Prussia—which is the supreme law of the land—be carried into execution by the Judiciary, without further legislation, or is an act of Congress necessary to give it effect? Of course, it would be improper to request your opinion upon this question, and I write merely to ascertain what has been the practice on this subject in the city of

[1] MSS. Department of State, 35 Domestic Letters, 302. See note to letter to Mr. Rantoul, July 21, 1845, supra.

New York, where similar cases must have occurred. Indeed, the Prussian Minister in his note to me, says: "that in the state of New York the Federal judicial authority has always, in such cases, considered as the law of the United States and caused them to be respected as such, the stipulations of the articles 10 and 11 of our Treaty," &c.

As the bill prepared by Judge Story has reference exclusively to the 10th article of the Treaty, and provides merely for the execution of consular awards, it is manifest he did not suppose that for the execution of the 11th article, requiring the surrender of deserters, any legislation was necessary.

You will very much oblige me by stating, what have been the decisions and practice of yourself and other Federal Judges of New York on the 10th and 11th articles of the Prussian and similar Treaties.

Yours, Very respectfully,

JAMES BUCHANAN.

TO MR. McLANE.[1]

Private & Confidential.

WASHINGTON 28 October 1845.

MY DEAR SIR

On Monday last Mr. Pakenham came to the Department, and after some conversation, presented me a note of which the enclosed is a copy. He left it with me under the declaration that it should be considered official or unofficial as he might think proper after ascertaining the nature of the answer which it would receive. To this I saw no objection, knowing it to be a frequent practice in diplomacy between friendly nations. The note of Mr. Pakenham was submitted to the President, who after two Cabinet Councils, determined that the enclosed should be the answer. The President, however, decided that Mr. Pakenham ought to determine, before receiving an intimation of the nature of the response, whether he would consider his note official or unofficial & if the former that the enclosed answer should be communicated; and if the latter that he might withdraw the paper, according to our previous understanding & that nothing in relation to it should appear on the files of the Department.

[1] Buchanan Papers, Historical Society of Pennsylvania.

Accordingly, Mr. Pakenham called at the Department this morning & after I had informed him of the determination of the President, he elected to withdraw his note. This was done in good humor & without any irritation. He was not made acquainted in any manner with the contents of our answer but as it was prepared with great deliberation, under the special direction of the President, he thinks it proper to communicate to you a copy, so that you may be fully in possession of his views upon the subject.

Mr. Pakenham informed me that he would write an account of the transaction to his Government & suggested that he presumed I would write to you on the same subject. The copy which I furnish you of his note is only for your private information. It is not to be placed on the files of the Legation.

We have no news here, except what you will see in the papers. From present appearances there will be a great storm on the Tariff question. Nothing will prevent this, unless the subject should be lost sight of in the still greater storm which may be raised by our foreign relations.

Please to present me, in the kindest terms, to Mrs. M'Lane, & believe me, as ever, to be sincerely & respectfully your friend,

JAMES BUCHANAN.

HON: LOUIS M'LANE.

TO MR. HERIOT.[1]

DEPARTMENT OF STATE,
WASHINGTON Nov. 3rd 1845.

TO WILLIAM B. HERIOT ESQR.,
Secretary, Charleston Chamber of Commerce,
Charleston, So. Ca.

SIR:

I have to acknowledge the receipt of your letter of the 28th ultimo, respecting a Memorial from the Charleston Chamber of Commerce, addressed to this Department on the 14th April last, calling its attention to the great injury done to the Merchants engaged in the trade between the United States and the Island of Cuba, by the late act of the Spanish Government, in suddenly re-imposing on the 20th of February, of the present year, duties

[1] MSS. Department of State, 35 Domestic Letters, 312.

on various articles of import, which had been declared by the Authorities of Cuba free for six months, from the 6th of October 1844. You request to be informed if any action has been taken on the Memorial referred to.

In reply, I have to inform you, that, on the 9th of May last, a despatch was sent to Mr. Irving, our Representative at Madrid, instructing him to bring the subject to the early attention of the Spanish Government. A copy of the Memorial, (and the papers which accompanied it) was transmitted to him at the same time. Mr. Irving acknowledged the receipt of this despatch, with its enclosures, on the 25th of June following; and informed the Department that he had addressed a note to the Spanish Government, some days previously, in conformity with those instructions;—but had, at the date of this despatch, received no reply.

On the 9th of August Mr. Irving addressed a second note to the Spanish Government upon the same subject; and the Minister of Finance, in his answer, dated the 13th of the same month, informed Mr. Irving that "the business was undergoing investigation," and,—"the resolution which may be formed concerning it, will be duly communicated to you through the regular channel of the Department of State, without more delay than is necessary."

As soon as any further information is received from our Minister at Madrid, upon this subject, it will be promptly communicated to you.

I am, Sir, respectfully

Your Obedient Servant

JAMES BUCHANAN.

TO BARON VON GEROLT.[1]

DEPARTMENT OF STATE,
WASHINGTON, 4th November, 1845.

BARON VON GEROLT,
&c., &c., Prussia.

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the letter addressed to him on the 7th of July last, by the Baron von Gerolt, Minister Resident of Prussia, at Washington, relating to the refusal, in

[1] MSS. Department of State, Notes to German States, VI. 121. See note to letter to Mr. Rantoul, July 21, 1845, supra.

June 1844, of the crew of the Prussian ship "Borussia," while at New-Bedford, to obey their captain; and of the failure of the Judicial authorities of the United States in Massachusetts, when appealed to for assistance in enforcing the decision of His Majesty's Consul General, pursuant to the provisions of the tenth article of the Treaty between the United States and Prussia, to interfere in the matter; on the ground that there was no law of the United States authorising them to give effect to this article.

Baron von Gerolt states that His Majesty's Government having been informed of this occurrence, has instructed him to make a representation on the subject to this Government; and he accordingly requests that proper measures may be adopted, on its part, to prevent the recurrence of cases similar to that of the Prussian ship "Borussia," and to render effective the stipulations of the Treaty.

The Undersigned has learned, not only from the Baron's note, but from inquiries which he himself has instituted, that the late Judge Story had arrived at the conclusion that he did not possess the power to give effect to the 10th article of the Treaty, without an act of Congress; and although by no means satisfied with the correctness of this opinion, he perceives no other means of obviating this evil, and of giving full effect to like decisions of His Prussian Majesty's Consuls which may be made hereafter, but the passage of a law framed for this express purpose. With a view to such an enactment, the whole subject will be submitted to that body at its next Session for its consideration, and such legislative proceedings as may be deemed necessary.

The Undersigned regrets the delay which has occurred in answering Baron Gerolt's note; but the difficulty in procuring the necessary information, occasioned by Judge Story's sickness and death, and other causes, must plead his apology.

The Undersigned avails himself of this occasion to renew to the Baron von Gerolt, the assurance of his distinguished consideration.

JAMES BUCHANAN.

TO MR. McLANE.[1]

(No. 13.) DEPARTMENT OF STATE,
WASHINGTON, 5th Novr., 1845.

SIR: Your despatches to No. 16, inclusive have been duly received.

Since the receipt, on the 21st ultimo, of your No. 9, I have held several conversations with Mr. Pakenham. His purpose doubtless was to ascertain whether the President would not take back his withdrawal of our proposition of compromise and suffer it to stand as the basis of further negotiation; and, if this could not be done, to obtain some assurance in advance as to the manner in which a new proposition from the British Government would be received. He did not accomplish either object. In these conversations I gave him distinctly to understand that the President could not consent to recall what had been already done, nor to modify in any degree the withdrawal of our offer. At the same time I observed, in answer to a question propounded by him, that if the British Government should think proper to make any new proposition to the Government of the United States for the settlement of the Oregon question, it would be respectfully considered by the President, without, however, feeling himself committed in any degree by the offer which had been already made and rejected, and afterwards withdrawn.

Mr. Pakenham urged that he had not rejected our proposition, but had merely refused to accept it; and endeavored by argument to impress upon my mind the distinction, not very obvious, between the refusal to accept a proposition and its rejection. To this I replied by referring him to the subsequent part of his note in which he expressed his trust that "I would be prepared to offer some further proposal for the settlement of the Oregon question more consistent with fairness and equity and with the reasonable expectation of the British Government." This language I observed necessarily implied not only an emphatic rejection of our offer, but a condemnation of its character.

In consequence of my communication with Mr. Pakenham, the President, after holding two cabinet councils on the present state of the Oregon negotiation, has finally determined, that he will not renew his former offer nor submit any other proposition;

[1] MSS. Department of State, Instructions, Great Britain, XV. 266; S. Doc. 489, 29 Cong. 1 Sess. 33.

and it must remain for the British Government to decide what other or further steps, if any, *they* may think proper to take in the negotiation. You will not be surprised at the result, as you are well aware that nothing but deference for the repeated action of his predecessors and for the principle of compromise on which the negotiation has been commenced, as well as a sincere desire to cultivate the most friendly relations between the two countries, could have induced him so far to depart from his well-known opinions as to have directed the proposition to be made which has been rejected and withdrawn.

Mr. Pakenham's note of the 30th [29th] of July, rejecting our proposition, became, immediately after its receipt, the subject of grave deliberation by the President. Upon a full consideration of the whole question, and after waiting a month for further developments, he arrived at the conclusion that it was a duty which he owed his country to withdraw the proposition which had been submitted. This was accordingly done by my note to Mr. Pakenham of the 30th of August last. The President thus took his ground from which he will not depart. If the British Government have any new proposition to submit, it must proceed from them voluntarily, and without any previous invitation or assurance on our part; and then such a proposition will be respectfully considered by the Government of the United States.

This is the posture in which the negotiation now stands; and unless, in the meantime, it should be changed by some action on the part of the British Government, the President intends to lay the whole subject before Congress for their consideration.

I am, Sir, &c., with great respect,

Your obedient servant,

JAMES BUCHANAN.

LOUIS MCLANE, ESQ., &c. &c. &c.

FROM MR. PAKENHAM.[1]

WASHINGTON, November 10, 1845.

SIR: With reference to what I have already had the honor verbally to communicate to you on the subject of a mutual settlement of certain claims which have been for some time pending between the two governments, with the particulars of which you are already fully acquainted, I now beg

[1] H. Ex. Doc. 169, 29 Cong. 1 Sess. 3.

leave to place in your hands the enclosed memorandum, explaining the considerations which have induced her majesty's government to suggest the proposed arrangement.

I venture to hope that the views of her majesty's government upon this matter will meet with the cordial concurrence of the government of the United States.

I take advantage of this opportunity to renew to you, sir, the assurance of my high consideration.

R. PAKENHAM.

THE HON. JAMES BUCHANAN.
&c., &c., &c.

(Memorandum.)

Her majesty's government have for some time past had under their anxious consideration the claim of certain British merchants carrying on trade with the United States, for a return of the excess of duties levied on goods imported by them into the United States under the tariff of 1842, which claim was first brought to the notice of the United States government by Mr. Fox's note of 8th January, 1844.

The attention of her majesty's government has been no less anxiously directed to the claim advanced by citizens of the United States against the British government for a return of the excess of duties levied on certain parcels of rough rice imported into England some years since.

These cases, which have formed the subject of frequent representations between the two governments, are in many respects parallel, but especially in the essential feature of their connexion with the provisions contained in the 2d article of the commercial convention of 1815, between Great Britain and the United States, to which it is mutually affirmed that the levying of the duties complained of on both sides is directly opposed.

Both the cases have been repeatedly and energetically discussed by the respective parties, but hitherto without any visibly nearer approach to a satisfactory result than when they were first opened.

In each case the treaty is appealed to with confidence by one party, and its applicability denied by the other. The sums respectively involved are large; and that consideration, coupled with the not unreasonable doubts which hang over the subject in both cases, seems to justify the tenacity with which each party has defended its own cause, and has refused to concede anything to its opponent.

Under these circumstances, it appears to her majesty's government that it would be wise on the part of both governments to consider whether in this involved and unpromising state of the matter a settlement of it upon equal terms might not be agreed to.

Supposing the United States government to concur in the propriety of effecting such a settlement, it would seem desirable to avoid re-opening discussion on the merits of either of the contested cases, but to assume that both are equal; that both present themselves under the same aspect of alleged violation of treaty engagements strictly and literally taken, and that both have been maintained with equal sincerity and good faith by the respective parties.

Such is the mode in which the British government is prepared to treat this matter in case the government of the United States should signify their

concurrence therein; and considering the irritation which protracted discussion on points so serious as the alleged infraction of treaty stipulations is apt to engender even in the minds of governments and nations whose interest and wish it is to maintain the best understanding with each other, her majesty's government trust that the government of the United States may acquiesce in the mode of adjustment thus proposed.

Should this be the case, it might be well that in the first place it should be mutually admitted and declared that in the respective acts which gave rise to the controversies which have arisen between the two governments, the view taken by both parties respectively is mutually believed and acknowledged to have been conscientiously entertained and supported: that nevertheless both parties admit that their respective views may have been erroneous, and that under this admission each is willing to respect the claim to compensation put forward by the opposite party; that, seeing, however, the reasonable doubt which may still be considered to hang over each claim, and also that if real injury has resulted from the acts of either party, it has arisen from error and not from intention, each government shall respectively forego all claims to arrears of interest on the sums which may be found respectively due; and that, with this explicit agreement, these sums, having been first clearly ascertained to the satisfaction of both governments, which shall mutually afford every facility for that object, shall be forthwith paid by each government to the other for distribution to the claimants, each government being, from the moment that such payment shall have been effected, entirely absolved from all further responsibility on the part of the claimants of the opposite party.

It appears to her majesty's government that each government would thus be placed on a footing of entire parity, and that both may agree to carry out such an arrangement without any sacrifice of national credit.

This proposal to be considered as conditional in every respect: if not accepted on the terms in which it is offered, things would of course return to their original position

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TO MR. KING.[1]

(No. 24.) DEPARTMENT OF STATE,
WASHINGTON, 10th Novr., 1845.

MR. WILLIAM R. KING, ESQRE.,
&c., &c., &c.

SIR:

With reference to the principal topic of your despatch No. 11, I have the honor to inform you that during the past summer an overture was made by the Swiss Consul residing at Alexandria, in this District, to open a negotiation with this Government for the conclusion, upon a liberal basis, of a commercial

[1] MSS. Department of State, Instructions, France, XV. 36.

treaty between the United States and the Swiss Confederation. His proposition to treat was entertained by the President; and, in acquainting Mr. Cazenove with this decision, a suggestion was made to him that stipulations for regulating the rights of inheritance and *detraction* with regard to property acquired by the citizens of either country residing within the territorial limits of the other, might with propriety be annexed to the proposed instrument in an additional article. This suggestion was favorably received, on his part, and a negotiation is now pending, which renders unnecessary, at present, any instructions to you on the subject.

In consequence of representations which have reached this Department from yourself and different other quarters, relative to the peculiar difficulties under which Mr. Vanderlyn labors at Paris in executing his historical picture, designed to ornament one of the panels of the rotunda of the Capitol at Washington, the President has deemed it proper to direct that a payment should be made to that artist, from the balance still remaining in the Treasury of the appropriation by Congress for this object, with the view of enabling him to complete the work referred to, which is understood to be now nearly finished; and that, for this purpose, an advance of $600 shall be made "to Mr. Vanderlyn, to be deposited in the hands of Col. King, our Minister at Paris, to be paid to Mr. Vanderlyn as his necessities may require in the progress of the work."

I have accordingly the pleasure to send you, enclosed, the first of a bill of exchange (No. 7717) drawn on Messrs. Ad. Marenard & Co. at Paris, and made payable to your order—for three thousand and ninety francs—the proceeds of which you will apply in the manner above indicated, and take the necessary acquittances from Mr. Vanderlyn, to be forwarded to the Treasury Department here, where they will be useful in the settlement of his accounts.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO MR. SLIDELL.[1]

(No. 1.) DEPARTMENT OF STATE,
WASHINGTON, November 10th, 1845.

SIR: I transmit herewith copies of a despatch, addressed by me under date the 17th September, 1845, to John Black, Esqr., Consul of the United States at the City of Mexico; of a note written by the Consul to the Mexican Minister for Foreign Affairs, dated 13th October, 1845; and of the answer of that Minister, under date October 15th, 1845.

From these papers you will perceive that the Mexican Government have accepted the overture of the President for settling all the questions in dispute between the two Republics, by negotiation; and that consequently the contingency has occurred, in which your acceptance of the trust tendered to you by the President is to take effect. You will, therefore, repair without delay to your post and present yourself to the Mexican Government, as the Envoy Extraordinary and Minister Plenipotentiary of the United States.

In the present crisis of the relations between the two countries, the office for which you have been selected is one of vast importance. To counteract the influence of foreign Powers, exerted against the United States in Mexico, & to restore those ancient relations of peace and good will which formerly existed between the Governments and the citizens of the sister Republics, will be the principal objects of your mission. The wretched condition of the internal affairs of Mexico, and the misunderstanding which exists between her Government and the Ministers of France and England, seem to render the present a propitious moment for the accomplishment of these objects. From your perfect knowledge of the language of the country, your well-known firmness and ability, and your taste and talent for society, the President hopes that you will accomplish much in your intercourse with the Mexican authorities and people. The early and decided stand which the people of the United States and their

[1] MSS. Department of State, Instructions, Mexico, XVI. 1; S. Ex. Doc. 52, 30 Cong. 1 Sess. 71; S. Ex. Doc. 60, 30 Cong. 1 Sess. 33; H. Ex. Doc. 69, 30 Cong. 1 Sess. 33. Extracts are published in S. Doc. 151, 29 Cong. 1 Sess. 3; H. Ex. Doc. 133, 29 Cong. 1 Sess. 3. Mr. Slidell was commissioned envoy extraordinary and minister plenipotentiary to Mexico, Nov. 10, 1845. The Mexican government declined, March 12, 1846, to receive him. He resigned, Jan. 26, 1847.

Government took and maintained in favor of the independence of the Spanish American Republics on this Continent secured their gratitude and good will. Unfortunate events have since estranged from us the sympathies of the Mexican people. They ought to feel assured that their prosperity is our prosperity and that we cannot but have the strongest desire to see them elevated, under a free, stable and Republican Government, to a high rank among the nations of the earth.

The nations on the continent of America have interests peculiar to themselves. Their free forms of Government are altogether different from the monarchical institutions of Europe. The interests and the independence of these sister nations require that they should establish and maintain an American system of policy for their own protection and security, entirely distinct from that which has so long prevailed in Europe. To tolerate any interference on the part of European sovereigns with controversies in America; to permit them to apply the worn-out dogma of the balance of power to the free States of this continent; and above all, to suffer them to establish new Colonies of their own, intermingled with our free Republics, would be to make, to the same extent, a voluntary sacrifice of our independence. These truths ought everywhere, throughout the continent of America, to be impressed on the public mind. If therefore in the course of your negotiations with Mexico, that Government should propose the mediation or guarantee of any European Power, you are to reject the proposition without hesitation. The United States will never afford, by their conduct, the slightest pretext for any interference from that quarter in American concerns. Separated as we are from the old world, and still further removed from it by the nature of our political institutions, the march of free Government on this continent must not be trammelled by the intrigues and selfish interests of European powers. Liberty here must be allowed to work out its natural results; and these will, ere long, astonish the world.

Neither is it for the interest of those powers to plant colonies on this continent. No settlements of the kind can exist long. The expansive energy of free institutions must soon spread over them. The colonists themselves will break from the mother country, to become free and independent States. Any European nation which should plant a new colony on this continent would thereby sow the seeds of troubles and of wars, the injury from which, even to her own interests, would far out-

weigh all the advantages which she could possibly promise herself from any such establishment.

The first subject which will demand your attention is, the claims of our citizens on Mexico. It would be useless here to trace the history of these claims and the outrages from which they spring. The archives of your Legation will furnish all the necessary information on this subject. The history of no civilized nation presents, in so short a period of time, so many wanton attacks upon the rights of persons and property as have been endured by citizens of the United States from the Mexican authorities. These never would have been tolerated by the United States from any nation on the face of the earth, except a neighbouring and sister Republic.

President Jackson, in his message to the Senate, of the 7th February, 1837, uses the following language with great justice and truth: "The length of time since some of these injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late Extraordinary Mexican Minister, would justify, in the eyes of all nations, immediate war."

Still, he was unwilling to resort to this last extremity, without "giving to Mexico one more opportunity to atone for the past, before we take redress into our own hands." Accordingly, he recommended, "that an Act be passed, authorizing reprisals, and the use of the naval force of the United States by the Executive against Mexico, to enforce them, in the event of a refusal by the Mexican Government to come to an amicable adjustment of the matters in controversy between us, upon another demand thereof, made from on board one of our vessels of war on the coast of Mexico."

This message was referred to the Committee on Foreign Relations, which, on the 19th of February, 1837, made a report to the Senate, entirely in accordance with the message of the President in regard to the outrages & wrongs committed by Mexico on citizens of the United States. They recommended, however, that another demand should be made for redress upon the Mexican Government in pursuance of the form required by the 34th Article of our Treaty with Mexico, and the result submitted to Congress for their decision, before actual hostilities should be authorized. The Committee say, "After such a de-

mand, should prompt justice be refused by the Mexican Government, we may appeal to all nations, not only for the equity and moderation with which we have acted towards a sister republic, but for the necessity which will then compel us to seek redress for our wrongs by actual war or by reprisals. The subject will then be presented before Congress at the commencement of the next session, in a clear and distinct form; and the committee cannot doubt but that such measures will be immediately adopted as may be necessary to vindicate the honor of the country and insure ample reparation to our injured fellow-citizens."

The Resolution with which this report concluded was, on the 27th February, adopted by the unanimous vote of the Senate.

The report of the Committee on Foreign Affairs, made to the House of Representatives on the 24th February, 1837, breathes the same spirit with that of the Senate.

In pursuance of the suggestion of the Committee on Foreign Relations of the Senate, a special messenger was sent to Mexico, to make a final demand for redress, with the documents required by the 34th Article of the Treaty. This demand was made on the 20th July, 1838. The answer to it contained fair promises. How these were evaded from time to time, you will learn by an examination of the archives of your Legation.

Finally, on the 11th April, 1839, a convention was concluded, "for the adjustment of claims of citizens of the United States of America upon the Government of the Mexican Republic."

The Board of Commissioners was not organized under this Convention until the 25th August, 1840; and, under its terms, they were obliged to terminate their duties within eighteen months from that date. Four of these eighteen months were spent in preliminary discussions, which had arisen on objections raised by the Mexican Commissioners; and at one time there was great danger that the Board would separate without hearing or deciding a single case. It was not until the 24th December, 1840, that they commenced the examination of the claims of our citizens. Fourteen months only were left, to examine and decide upon these numerous and complicated cases.

The claims allowed by the Commissioners, without reference to the umpire, amounted, principal and interest, to	$439,393.82
The amount, principal and interest, subsequently awarded by the umpire, was	1,586,745.86
	$2,026,139.68

The Mexican Government finding it inconvenient to pay the amount awarded, either in money or in an issue of Treasury notes, according to the terms of the Convention, a new Convention was concluded between the two Governments on the 30th January, 1843, to relieve that of Mexico from this embarrassment. Under its terms, the interest due on the whole amount awarded was to be paid on the 30th April, 1843; and the principal, with the accruing interest, was made payable in five years, in equal instalments every three months.

Under this new agreement, made to favor Mexico, the claimants have yet received only the interest up to the 30th April, 1843, and three of the twenty instalments.

But this is not all. There were pending before the umpire, when the Commission expired, claims which had been examined and awarded by the American Commissioners, amounting to $928,627.88. Upon these he refused to decide, alleging that his authority had expired. This was a strange construction of the Treaty. Had he decided that his duties did not commence until those of the Commissioners had ended, this would have been a more natural interpretation.

To obviate this injustice and to provide for the decision of other claims of American citizens, amounting to $3,336,837.05, which had been submitted too late to be considered by the Board, a third Convention was signed at Mexico on the 20th November, 1843, by Mr. Waddy Thompson on the part of the United States, and Messrs. Bocanegra and Trigueros on the part of Mexico. On the 30th January, 1844, this Convention was ratified by the Senate of the United States, with two amendments. The one changed the place of meeting of the Commissioners from Mexico to Washington; and the other struck out the 16th article, which referred the claims of a pecuniary nature that the two Governments might have against each other, to the Commissioners, with an appeal to the umpire, in case a majority of them could not agree.

These amendments were manifestly reasonable and necessary. To have compelled the claimants, all of whom are citizens of the United States, to go to Mexico with their documents and testimony, would, in a great degree, have frustrated the object of the Commission. Besides, the new Commission was, in fact, but a continuance of the old one; and its duties simply were, to complete the business which had been left unfinished in the City of Washington.

It was something new in the history of sovereign nations to refer their mutual claims to the arbitrament of a Board composed of their own citizens, with an appeal to a subject appointed by a foreign sovereign. The dignity of sovereign States forbade such a proceeding. Besides, it never had been suggested that either of the two Governments had claims upon the other, or that there were any claims in existence except those of American citizens on Mexico.

It is difficult to conceive why this Convention, departing from that of the 11th April, 1839, should have embraced any such provision; or why it should have stipulated for claims of citizens of Mexico against the United States, when no such claims had ever been alleged to exist.

Upon a reference of these amendments to the Government of Mexico, it interposed the same evasions, difficulties and delays which have always characterized its policy towards the United States. It has never yet decided whether it would or would not accede to them, although the subject has repeatedly been pressed upon its consideration by our Ministers.

The result of the whole is, that the injuries and outrages committed by the authorities of Mexico on American citizens, which, in the opinion of President Jackson, would, so long ago as February, 1837, have justified a resort to war or reprisals for redress, yet remain wholly unredressed, excepting only the comparatively small amount received under the Convention of April, 1839.

It will be your duty in a prudent and friendly spirit, to impress the Mexican Government with a sense of their great injustice towards the United States, as well as of the patient forbearance which has been exercised by us. This cannot be expected to endure much longer, and these claims must now speedily be adjusted in a satisfactory manner. Already have the Government of the United States too long omitted to obtain redress for their injured citizens.

But in what manner can this duty be performed consistently with the amicable spirit of your mission? The fact is but too well known to the world, that the Mexican Government are not now in a condition to satisfy these claims by the payment of money. Unless the debt should be assumed by the Government of the United States, the claimants cannot receive what is justly their due. Fortunately, the Joint Resolution of Congress, approved 1st March, 1845, "for annexing Texas to the United

States," presents the means of satisfying these claims, in perfect consistency with the interests as well as the honor of both Republics. It has reserved to this Government the adjustment "of all questions of boundary that may arise with other Governments." This question of boundary may, therefore, be adjusted in such a manner between the two Republics, as to cast the burden of the debt due to American claimants upon their own Government, whilst it will do no injury to Mexico.

In order to arrive at a just conclusion upon this subject, it is necessary briefly to state what at present are the territorial rights of the parties. The Congress of Texas, by the Act of December 19th, 1836, have declared the Rio del Norte, from its mouth to its source, to be a boundary of that Republic.

In regard to the right of Texas to the boundary of the del Norte, from its mouth to the Paso, there cannot, it is apprehended, be any very serious doubt. It would be easy to establish by the authority of our most eminent statesmen, at a time, too, when the question of the boundary of the Province of Louisiana was better understood than it is at present, that, to this extent at least, the Del Norte was its western limit. Messrs. Monroe and Pinckney, in their communication of January 28th, 1805, to Don Pedro Cevallos, then the Spanish Minister of Foreign Relations, assert, in the strongest terms, that the boundaries of their Province are the River Perdido, to the East, and the Rio Bravo to the West. They say, "The facts and principles which justify this conclusion are so satisfactory to our Government, as to convince it that the United States have not a better right to the Island of New Orleans, under the cession referred to, [that of Louisiana] than they have to the whole District of territory which is above described." Mr. Jefferson was at that time President, and Mr. Madison Secretary of State; and you well know how to appreciate their authority. In the subsequent negotiation with Mr. Cevallos, Messrs. Monroe and Pinckney conclusively vindicated the right of the United States as far west as the Del Norte. Down to the very conclusion of the Florida Treaty, the United States asserted their right to this extent, not by words only, but by deeds. In 1818, this Government, having learned that a number of adventurers, chiefly Frenchmen, had landed at Galvezton, with the avowed purpose of forming a settlement in that vicinity, despatched George Graham, Esquire, with instructions to warn them to desist. The following is an extract from these instructions, dated 2nd June, 1818: "The President wishes you

to proceed with all convenient speed to that place (Galvezton) unless, as is not improbable, you should, in the progress of the journey, learn that they have abandoned or been driven from it. Should they have removed to Matagorda, or any other place North of the Rio Bravo, and within the territory claimed by the United States, you will repair thither, without however exposing yourself to be captured by any Spanish military force. When arrived, you will, in a suitable manner, make known to the chief or leader of the expedition your authority from the Government of the United States, and express the surprise with which the President has seen possession thus taken, without authority from the United States, of a place within their territorial limits, and upon which no lawful settlement can be made without their sanction. You will call upon him explicitly to avow under what national authority they profess to act, and take care that due warning be given to the whole body, that the place is within the United States, who will suffer no permanent settlement to be made there, under any authority other than their own."

It cannot be denied, however, that the Florida Treaty of 22nd February, 1819, ceded to Spain all that part of ancient Louisiana within the present limits of Texas; and the more important inquiry now is, what is the extent of the territorial rights which Texas has acquired by the sword, in a righteous resistance to Mexico?

In your negotiations with Mexico, the independence of Texas must be considered a settled fact, and is not to be called in question.

Texas achieved her independence on the plain of San Jacinto, in April, 1836, by one of the most decisive and memorable victories recorded in history. She then convinced the world by her courage and her conduct that she deserved to rank as an independent nation. To use the language of Mr. Webster, Secretary of State, in a despatch to our Minister at Mexico, dated 8th July, 1842, "From the time of the battle of St. Jacinto, in April, 1836, to the present moment, Texas has exhibited the same external signs of national independence as Mexico herself, and with quite as much stability of Government. Practically free and independent; acknowledged as a political sovereignty by the principal powers of the world; no hostile foot finding rest within her territory, for six or seven years; and Mexico herself refraining, for all that period, from any further attempt to re-establish her own authority over the territory."

Finally, on the 29th March, 1845, Mexico consented, in the most solemn form, through the intervention of the British and French Governments, to acknowledge the independence of Texas, provided she would stipulate not to annex herself or become subject to any country whatever.

It may, however, be contended on the part of Mexico, that the Nueces and not the Rio del Norte is the true western boundary of Texas. I need not furnish you arguments to controvert this position. You have been perfectly familiar with the subject from the beginning, and know that the jurisdiction of Texas has been extended beyond that river and that representatives from the country between it and the Del Norte have participated in the deliberations both of her Congress and her Convention. Besides, this portion of the territory was embraced within the limits of ancient Louisiana.

The case is different in regard to New Mexico. Santa Fé, its capital, was settled by the Spaniards more than two centuries ago; and that province has been ever since in their possession and that of the Republic of Mexico. The Texans never have conquered or taken possession of it, nor have its people ever been represented in any of their Legislative Assemblies or Conventions.

The long and narrow valley of New Mexico or Santa Fé is situated on both banks of the upper Del Norte, and is bounded on both sides by mountains. It is many hundred miles remote from other settled portions of Mexico, and, from its distance, it is both difficult and expensive to defend the inhabitants against the tribes of fierce and warlike savages that roam over the surrounding country. For this cause it has suffered severely from their incursions. Mexico must expend far more in defending so distant a possession than she can possibly derive benefit from continuing to hold it.

Besides, it is greatly to be desired that our boundary with Mexico should now be established in such a manner as to preclude all future difficulties and disputes between the two Republics. A great portion of New Mexico being on this side of the Rio Grande and included within the limits already claimed by Texas, it may hereafter, should it remain a Mexican province, become a subject of dispute and a source of bad feeling between those who, I trust, are destined in future to be always friends.

On the other hand, if in adjusting the boundary the province of New Mexico should be included within the limits of the United

States, this would obviate the danger of future collisions. Mexico would part with a remote and detached province, the possession of which can never be advantageous to her; and she would be relieved from the trouble and expense of defending its inhabitants against the Indians. Besides, she would thus purchase security against their attacks for her other provinces west of the Del Norte; as it would at once become the duty of the United States to restrain the savage tribes within their limits and prevent them from making hostile incursions into Mexico. From these considerations and others which will readily suggest themselves to your mind, it would seem to be equally the interest of both Powers, that New Mexico should belong to the United States.

But the President desires to deal liberally by Mexico. You are therefore authorized to offer to assume the payment of all the just claims of our citizens against Mexico, and, in addition, to pay five millions of dollars, in case the Mexican Government shall agree to establish the boundary between the two countries from the mouth of the Rio Grande, up the principal stream to the point where it touches the line of New Mexico, thence west of the river, along the exterior line of that province and so as to include the whole within the United States until it again intersects the river, thence up the principal stream of the same to its source, and thence due north until it intersects the forty second degree of north latitude.

A boundary still preferable to this would be an extension of the line from the northwest corner of New Mexico, along the range of mountains, until it would intersect the forty second parallel.

Should the Mexican authorities prove unwilling to extend our boundary beyond the Del Norte, you are, in that event, instructed to offer to assume the payment of all the just claims of citizens of the United States against Mexico, should she agree that the line shall be established along the boundary defined by the Act of Congress of Texas, approved December 19th, 1836, to wit: beginning at the mouth of the Rio Grande, thence up the principal stream of said river to its source, thence due north to the forty second degree of north latitude.

It is scarcely to be supposed, however, that Mexico would relinquish five millions of dollars for the sake of retaining the narrow strip of territory in the valley of New Mexico, west of the Rio Grande, and thus place under two distinct Governments

the small settlements closely identified with each other, on the opposite banks of the river. Besides, all the inconveniences to her from holding New Mexico, which I have pointed out, would be seriously aggravated by her continuing to hold that small portion of it which lies west of the river.

There is another subject of vast importance to the United States, which will demand your particular attention. From information possessed by this Department it is to be seriously apprehended that both Great Britain and France have designs upon California. The views of the Government of the United States on this subject you will find presented in my despatch to Thomas O. Larkin, Esqr., our Consul at Monterey, dated October 17, 1845, a copy of which is herewith transmitted. From it you will perceive, that whilst this Government does not intend to interfere between Mexico and California, it would vigorously interpose to prevent the latter from becoming either a British or a French Colony. You will endeavor to ascertain whether Mexico has any intention of ceding it to the one or the other power; and if any such design exists, you will exert all your energies to prevent an act which, if consummated, would be so fraught with danger to the best interests of the United States. On this subject, you may freely correspond with Mr. Larkin, taking care that your letters shall not fall into improper hands.

The possession of the Bay and harbor of San Francisco is all important to the United States. The advantages to us of its acquisition are so striking, that it would be a waste of time to enumerate them here. If all these should be turned against our country, by the cession of California to Great Britain, our principal commercial rival, the consequences would be most disastrous.

The Government of California is now but nominally dependent on Mexico; and it is more than doubtful whether her authority will ever be reinstated. Under these circumstances, it is the desire of the President that you shall use your best efforts to obtain a cession of that Province from Mexico to the United States. Could you accomplish this object, you would render immense service to your country and establish an enviable reputation for yourself. Money would be no object when compared with the value of the acquisition. Still the attempt must be made with great prudence and caution, and in such a manner as not to alarm the jealousy of the Mexican Government. Should you, after sounding the Mexican authorities on the subject, discover a prospect of success, the President would not hesitate

to give, in addition to the assumption of the just claims of our citizens on Mexico, twenty five millions of dollars for the cession. Should you deem it expedient, you are authorized to offer this sum for a boundary, running due West from the southern extremity of New Mexico to the Pacific ocean, or from any other point on its western boundary, which would embrace Monterey within our limits. If Monterey cannot be obtained, you may, if necessary, in addition to the assumption of those claims, offer twenty millions of dollars for any boundary, commencing at any point on the western line of New Mexico, and running due West to the Pacific, so as to include the bay and harbor of San Francisco. The larger the territory South of this Bay, the better. Of course, when I speak of any point on the Western boundary of New Mexico, it is understood, that, from the Del Norte to that point, our boundary shall run according to the first offer which you have been authorized to make. I need scarcely add, that, in authorizing the offer of five millions or twenty five millions or twenty millions of dollars, these are to be considered as maximum sums. If you can accomplish either of the objects contemplated for a less amount, so much more satisfactory will it prove to the President.

The views and wishes of the President are now before you, and much at last must be left to your own discretion. If you can accomplish any one of the specific objects which have been presented in these instructions, you are authorized to conclude a Treaty to that effect. If you cannot, after you have ascertained what is practicable, you will ask for further instructions, and they shall be immediately communicated.

Your mission is one of the most delicate and important which has ever been confided to a citizen of the United States. The people to whom you will be sent are proverbially jealous, and they have been irritated against the United States by recent events and the intrigues of foreign Powers. To conciliate their good will is indispensable to your success. I need not warn you against wounding their national vanity. You may probably have to endure their unjust reproaches with equanimity. It would be difficult to raise a point of honor between the United States and so feeble and degraded a Power as Mexico. This reflection will teach you to bear and forbear much for the sake of accomplishing the great objects of your mission. We are sincerely desirous to be on good terms with Mexico, and the President reposes implicit confidence in your patriotism, sagacity and ability

to restore the ancient relations of friendship between the two Republics.

Herewith you will also receive your full powers to conclude a Treaty, together with two maps, the one Arrowsmith's and the other Emory's, on which are designated the limits of New Mexico.

You will keep the Department advised of your progress as often as safe opportunities may offer.

You are aware that Congress, at their last session, made the following appropriation:

"For paying the April and July instalments of the Mexican indemnities due in eighteen hundred and forty four, the sum of two hundred and seventy five thousand dollars: Provided it shall be ascertained to the satisfaction of the American Government that said instalments have been paid by the Mexican Government to the agent appointed by the United States to receive the same in such manner as to discharge all claim on the Mexican Government, and said agent to be delinquent in remitting the money to the United States."

The whole transaction between Emilio Voss, Esquire, the agent of the United States, and the Mexican authorities is yet involved in mystery which this Government has not been able to unravel. You will endeavor, with as little delay as possible, to ascertain the true state of the case in relation to the alleged payment of these instalments by the Mexican Government to our agent, and give the Department the earliest information on the subject. A copy of his receipt ought to be obtained if possible.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN

JOHN SLIDELL, ESQUIRE,
Envoy Extraordinary and Minister Plenipotentiary
of the United States to Mexico.

TO MR. POLK.[1]

(No. 5.) DEPARTMENT OF STATE,
WASHINGTON, 12th November, 1845.

WILLIAM H. POLK, ESQRE.,
&c., &c., Naples.

SIR:

Your despatch, No. 1, was received on the 5th September; but no other despatch from you has yet come to hand. Since its date, (the 26th July), we have learned nothing of your progress in the negotiation of the Treaty, except what you have communicated in your private letters to the President of the 17th and 28th September. From these I find that, since the date of your despatch, (No. 1.), you have forwarded one or more despatches; but neither of them has as yet reached the Department.

It would certainly be desirable that you should obtain if possible a stipulation in the proposed Treaty, to reduce the existing duties in the Kingdom of the Two Sicilies on cotton, tobacco, or any other articles, of the production of the United States. This, in your opinion, you will not be able to accomplish, without the grant of equivalents on our part. The fate of the Zoll-Verein Treaty in the Senate, as well as the embarrassments with other nations with whom we have commercial Treaties, which would result from a reduction of duties by Treaty on the productions of that country, would prevent us from granting this equivalent required. For the present, therefore, you are instructed to conclude a Treaty without insisting upon a reduction of duties in the ports of the Two Sicilies on any of our productions. It is deemed of so much importance to obtain a commercial Treaty on the terms which we have adopted with other nations, that you will not delay its conclusion by insisting on any thing further. A reciprocal reduction of duties on the productions of the two countries may hereafter be accomplished under more propitious circumstances.

You acted correctly in presenting our Treaty with Austria as a model for that with the Neapolitan Government. It is probable, however, as you suggest, that they may not be willing to conclude such a Treaty of general commercial reciprocity with the United States. Their Treaty with Great Britain, which you

[1] MSS. Department of State, Instructions, Two Sicilies, XIV. 34.

have forwarded to the Department, is limited to the direct trade, and it is not likely that they will be willing to grant us more extensive privileges.

I would, however, call your special attention to the 11th article of the Neapolitan Treaty with Great Britain. By this it is provided that the subjects of Great Britain shall continue to enjoy a reduction of ten per cent upon the duties payable according to their Customs' Tariff upon British Merchandize and productions; but it is also stipulated that the same privilege may be granted to other nations. You will insist upon a grant of this privilege to the United States to the full extent in which it is enjoyed by Great Britain; and conclude no treaty which does not clearly embrace such a provision.

There are several Treaties, confined to the direct trade between the United States and foreign countries, to which you may refer as models. I would instance that with Portugal of the 26th August, 1840,—because it is our latest Treaty of this character. I transmit you a copy.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

CIRCULAR TO MEMBERS OF THE DIPLOMATIC CORPS.[1]

DEPARTMENT OF STATE,
WASHINGTON, 14th November, 1845.

DON A. CALDERON DE LA BARCA,
&c., &c., &c.

SIR:

I have the honor to request that you will furnish this Department with a list of the persons attached to your Legation, and also of your domestics, that it may be officially communicated to the Marshal of the United States for this District; and likewise that you will have the goodness, hereafter, to advise the Department of any changes which may from time to time take place in your Legation.

I avail myself of this occasion to renew to you the assurance of my high consideration. JAMES BUCHANAN.

[1] MSS. Department of State, Notes to Spanish Legation, VI. 132.

TO MR. McLANE.[1]

(No. 15.) DEPARTMENT OF STATE.
WASHINGTON, 18th Novr., 1845.

LOUIS McLANE, ESQRE.,
&c., &c., &c.

SIR:

I have the honor to transmit to you, herewith, a memorial and other papers in support of the claim of Nathaniel L. Rogers & Brothers, of Salem, for indemnification from the British Government for losses sustained by them in consequence of the illegal exaction, by the British local authorities, of an onerous duty on a large quantity of New England rum imported into the Bay of Islands some months previous to the assertion of Her Majesty's sovereignty over New Zealand.

For a full understanding of the subject, I would refer you to the previous correspondence, which will be found on the files of your office, between this Department and the Legation of the United States at London, (see Instructions to Mr. Everett, Nos. 20, 55, and 82—and his despatches numbered 23, 28, 29, 30, 42, 72, 78, 95, 133, and 172,) relating to injuries and losses suffered by American citizens arising out of commercial and other restrictions occasioned by the acts of the British Colonial Authorities in those Islands.

You will take an early occasion to invite Lord Aberdeen's attention again to this subject; and, in communicating this additional evidence in the case, you will express the President's confident expectation, that the adequate reparation which is obviously due to the Messrs. Rogers, will be now promptly made.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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[1] MSS. Department of State, Instructions, Great Britain, XV. 268. This claim was laid before the mixed commission, at London, under the claims convention between the United States and Great Britain of February 8, 1853. The commissioners disagreeing as to the amount to be allowed, the umpire awarded $7,676.96. (Moore, International Arbitrations, I. 416.)

TO GOVERNOR MOSELEY.[1]

DEPARTMENT OF STATE,
WASHINGTON November 19th 1845.

HIS EXCELLENCY, W. D. MOSELEY,
Governor of Florida.

SIR:

I have had the honor of receiving yours of the 11th ultimo. enclosing a copy of a communication of the same date, made by your Excellency to the Governor of Georgia, in relation to the disputed boundary between the two States.

The effort which you have made to adjust this question, in an amicable manner, with the authorities of Georgia, has received the warm approbation of the President. He trusts that the Governments of the two States, animated by the spirit of mutual conciliation and harmony, which may be expected from the enlightened and patriotic counsels prevailing in both, may succeed in adjusting this controversy. The Government of the United States cannot fail to feel a deep interest in the question; and would contribute all in their power to accomplish such a favorable result.

Any interest which the United States may have in the public lands within the disputed territory belongs exclusively to Congress; and whilst the President has no right to anticipate what course they may pursue, he is convinced that it will be dictated by an ardent desire to afford all the aid in their power toward the satisfactory adjustment of the question.

For the present, he has no further communication to make to your Excellency on the subject; except to express his obligation for the information which you have already communicated, and his desire that you shall keep him advised of the progress of your negotiations with Georgia.

I have the honor &c.

JAMES BUCHANAN.

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[1] MSS. Department of State, 35 Domestic Letters, 319.

TO MR. SLIDELL.[1]

No. 3. DEPARTMENT OF STATE,
WASHINGTON, 19th November, 1845.

TO JOHN SLIDELL, ESQUIRE, &c. &c. &c.

SIR: Since my last despatch,[2] the Department has received, enclosed in a letter from Mr. Parrott, under date October 18th, a communication on the subject of the April and July instalments of the Mexican indemnity, addressed to him, under date the 17th October, by Emilio Voss, Esquire, the agent appointed by the last administration to receive that indemnity as it should become due. Of these papers a copy is herewith transmitted. As the letter of Mr. Voss was written with the view of having it presented to the Department, it may be considered official; and this is the first information that he has ever communicated to us on the subject. It appears from his own declaration, that he has never received a single dollar of these instalments from the Mexican Government; and yet he has given it a general receipt for their full amount. He has not even specified what securities he accepted from it; although he expresses the confident opinion that these will be finally rendered available. Such conduct requires no comment. I presume he cannot suppose that he now possesses power to make similar or any other arrangements in regard to the instalments due at a subsequent period; yet the President deems it advisable, from abundant caution, that you should formally make known to the Mexican Government, that his powers as an agent of this Government have entirely ceased;

[1] MSS. Department of State, Instructions, Mexico, XVI. 23. Printed, except the last three paragraphs and the postscript, in S. Doc. 151, 29 Cong. 1 Sess. 3–4; H. Ex. Doc. 133, 29 Cong. 1 Sess. 3–4.

[2] At this place, in the printed document, but not in the manuscript, there is the following note: "The despatch here referred to bears date November 10th. The letter from Mr. Parrott was received on the 9th. The discrepancy between these dates and the above reference to the letter arose from the fact that the despatch was written on the 8th, at which time Mr. Parrott's letter had not come to hand; but, owing to its not being sent off until the 10th, this date was given to it, being the true and proper one, corresponding with the day on which it issued from the department. Afterwards, in writing the despatch of the 19th, Mr. Parrott's letter, which had been received since the despatch immediately preceding had been written, was referred to as having been so received, without adverting to the relation which the date given to that despatch bore to the moment when Mr. P.'s letter had come to hand."

not only as regards all instalments subsequent to the two above specified, but as regards those two likewise. He is to be regarded as no longer possessing authority to receive money on account of the indemnity, nor on account of the United States in any shape. It is not to be supposed that Mexico will contend that the mere delivery to Mr. Voss of promises in the shape of securities which have been dishonored, can have relieved her from the performance of her treaty obligations. From the position, therefore, in which she finds herself placed by this transaction, together with the notification that you are instructed to make, her Government will see the necessity, for its own sake, of guarding against the payment of any money into his hands, and of recovering possession of those unavailable securities which could not now be cashed without that Government's bringing upon itself the reproach of collusion in this very extraordinary proceeding.

The President desires that you should obtain from the Mexican Government authentic and official information in regard to all the circumstances connected with this pretended payment, and communicate the same, with as little delay as practicable, to this Department.

I omitted to state in my first despatch, how anxious the President feels that you should bring your negotiations to a conclusion with as little delay as may be consistent with their success. He desires to submit the result to Congress before the termination of the approaching session; so that, in the event of failure, prompt and energetic measures may be adopted on our part to redress the injuries which our citizens have sustained from Mexico.

Should it become necessary, (which cannot be the case if you succeed in making a Treaty according to your instructions) to insist upon the ratification by the Mexican Government of the Convention signed at Mexico on the 20th November, 1843, (as amended by our Senate, on the 30th January, 1844) it ought to be so modified as to embrace all the claims of our citizens upon that Government which have not already been decided upon by the former Board of Commissioners, down to the date of its ratification. Many claims of this character are now on file in the Department, as you will perceive from the accompanying list. It is necessarily very incomplete, owing to the delay of the claimants themselves in presenting their documents.

Deeming it possible that it may be wanting on the files of

your Legation, I transmit a printed copy of this Convention, with the amendments of our Senate marked thereon.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

P. S. I need scarcely impress upon you the necessity, in case you should conclude a Treaty, to have it ratified by the Mexican Government, before its transmission to the United States. J. B.

TO MR. UHL ET AL.[1]

DEPARTMENT OF STATE,
WASHINGTON November 19th 1845.

TO MESSRS. JACOB UHL, WILLIAM VON EICHTHAL, & J. W. KESNER,—

GENTLEMEN:

I have the honor to acknowledge the receipt of your communication, under date the 15th instant, in which, after stating that you wish to transmit the newspapers published by you "to the United States Legation at Berlin, and other official functionaries of the United States in Germany," you inquire,

First, "Whether the papers thus addressed will be considered as subject to the prohibition of German papers printed in the United States;"

Secondly, "If (such papers be) intercepted, whether the proceedings will be acquiesced in by the Government of the United States."

In reply to the first inquiry, I have to state, that the edict of the German Diet prohibiting postmasters from delivering newspapers in the German Language, published in the United States, is understood as applying to every paper of this description, to whomsoever addressed.

In reply to the second, I have to observe, that although the edict of the German Diet must be condemned by every enlightened and liberal man on both sides of the Atlantic, still the regulation of its own post office, by such laws as to its own

[1] MSS. Department of State, 35 Domestic Letters, 322

Government may seem just and proper, is a right that belongs to every Sovereign State. By no nation would the slightest pretension to interfere in any way with the exercise of this right, be more promptly rebuked than by ourselves; by none, therefore, should it be more scrupulously respected. In regard to the transmission of such publications to our Diplomatic and other functionaries residing in the States where their prohibition is the law of the land, and where postmasters are forbidden to deliver them, it is evident that they could not reach their destination, except in consequence of their being exempted from scrutiny, through the respect shown by the Government towards those functionaries, and its confidence that they would not make this the means of violating the laws of the Country. A respect for our laws is a duty on the part of every foreigner residing among us.—the disregard of which would not be tolerated by our Government: and it cannot, therefore, but recognize this as a duty towards other Governments, on the part of its functionaries residing abroad.

It is with much regret, therefore, that I feel compelled to deny myself the pleasure of affording you the means through the agency of this Department of circulating your valuable and patriotic Journals in Germany.

I am, &c.

JAMES BUCHANAN.

TO G. W. READ & CO.[1]

DEPARTMENT OF STATE,
WASHINGTON November 22nd 1845.

MESSRS. G. W. READ & Co.
27 Union Wharf,
Boston.

SIR:

I have to acknowledge the receipt of your letter of the 17th instant, stating that two of your firm are about to proceed to Mirogoane in the Island of St. Domingo, and inquiring "what protection they can receive from our Government in case of insurrection or revolution." You further inquire, "If they should take our property and put us in prison at any time, or molest the vessels, what steps shall we take whilst there?"

[1] MSS. Department of State, 35 Domestic Letters, 325.

In reply, I have to state, that the duty of affording protection to its citizens, whilst engaged in lawful pursuits, against all infringements of their rights under the law of nations, or of obtaining redress for such wrongs, where occurring under such circumstances that they cannot be protected, is one which our Government never fails to fulfil. With a view to its discharge in that quarter, during its present troubled state, orders have been issued from the Navy Department that one of the vessels belonging to our Squadron on the Gulf of Mexico should proceed forthwith to St. Domingo.

With regard to the steps you should take under the circumstances mentioned by you, these must necessarily depend upon the nature of the case. One obvious course would be, to transmit intelligence of your position to this Department either directly or through our consuls or other agents abroad, and also to the commander of any of our national vessels whom you could communicate with.

I am &c. JAMES BUCHANAN.

TO MR. ROSSET.[1]

DEPARTMENT OF STATE,
WASHINGTON November 25th 1845.

J. D. D. ROSSET, ESQRE.,
Care of J. T. S. Sullivan Esqre.,
Philadelphia.

SIR:

Your letter under date the 20th instant has been received together with the copies of documents accompanying it.

From these papers, it appears, that you are a native of the Canton de Vaud, and have been naturalized as a citizen of the United States; that in your native country, by proceedings in its tribunals which took place previously to your change of citizenship, you were divorced from your wife, and the custody of your children was assigned to her; and that with a view to the re-establishment of your paternal authority over these children, and to their removal to the United States, which you deem to be their true country, you have addressed the authorities of the Canton de Vaud with demands which have proved ineffectual.

[1] MSS. Department of State, 35 Domestic Letters, 330.

This case is now, with a view, as you say, "to test the value of my adopted country," presented as one "of complaint to the Government of the United States, against the Government of the Canton de Vaud."

I am constrained to inform you, in reply, that the desire which animates you in these proceedings, natural and commendable as it unquestionably is, and entitling you, as it does, to the warm sympathies of your fellow-citizens in the country of your choice and adoption, is, nevertheless, one the promotion of which is entirely beyond the proper province of this Government.

The fact of your having become a citizen of the United States has the effect of entitling you to the same protection from their Government, that a native citizen would receive; but it cannot operate to destroy or to weaken in any way, the authority of the Canton de Vaud over its native born citizens who have never been out of its jurisdiction, nor the exclusive right of the tribunals, to whom the administration of its laws is committed, to decide all questions which may arise between such citizens.

I am &c.

JAMES BUCHANAN

TO MR. GRUND.[1]

DEPT. OF STATE, 26 NOV. 1845.

FRANCIS J. GRUND ESQR.
U. S. Consul.
Antwerp.

SIR,

Your letter of the 17th October last in which you refer to the appointment of Mr. Max Vandeburg as Consul at Antwerp, by the Government of Texas, & enquire at what time you may commence acting as Consul for Texas, in consequence of its annexation to the U. States, has been received.

This Government have as yet no control over this subject,

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[1] MSS. Department of State, Despatches to Consuls, X. 332. Mr. Grund, a native of Bohemia, after living a year in South America, came in 1826 to the United States and settled in Philadelphia, where he became a journalist. He afterwards lived in Europe a number of years, in consular positions. On his return to the United States, he became the editor of the Philadelphia *Age*. See Lamb's Biographical Dictionary, II. 437, although the sketch there is not altogether accurate.

and you will be careful not to interfere with any person acting under authority from the Government of Texas, until you shall have been otherwise instructed by this Department.

I am Sir &c.

JAMES BUCHANAN.

TO MR. PAKENHAM.[1]

DEPARTMENT OF STATE,
WASHINGTON, 26th Novr., 1845.

SIR: I have had the honor of receiving your note of the 10th instant, together with "the memorandum" presenting the views of Her Britannic Majesty's Government in relation to the mutual claims of the two Governments for refunding the excess of duties which has been levied in the ports of each, in violation of the second article of the Commercial Convention between the two countries, of the 3d of July, 1815. The memorandum has been submitted to the President; and I am pleased to inform you that it has received his cordial approbation. He is perfectly willing to terminate the pending questions between the two Governments under this convention, on the terms proposed by the British Government. Indeed, you are aware that, from the very moment I first examined the question, I believed that the claim of the British Government was well-founded, and rested upon the same basis with that of the United States.

The only remaining obstacle is to adjust the claims of the respective Governments on each other according to the principles in which they both concur. It may save trouble in the end if this should be done in the beginning.

The second article of the convention provides that "no higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of His Britannic Majesty's territories in Europe, and no higher or other duties shall be imposed on the importation into the territories of His Britannic Majesty in Europe of any articles the growth, produce, or manufacture of the United States, than are or shall be payable *on the like articles*, being the growth, produce, or manufacture of any other foreign country." No dif-

[1] MSS. Department of State, Notes to Great Britain, VII. 125; H. Ex. Doc. 169, 29 Cong. 1 Sess. 5.

ficulty exists in specifying the claim of the United States under this provision, because it is confined to the single article of rough rice. Not so the British claim. This is now indefinite; and it is highly desirable that it should be rendered specific, by an enumeration of the articles on which an excess of duty has been levied under the tariff act of 30 August, 1842.

Under the 25th section of this act, it is provided "that nothing in this act contained shall apply to goods shipped in a vessel bound to any port of the United States, actually having left her last port of lading eastward of the Cape of Good Hope, or beyond Cape Horn, prior to the first day of September, 1842; and all legal provisions and regulations existing immediately before the thirtieth day of June, 1842, shall be applied to importations which may be made in vessels which have left such last port of lading eastward of the Cape of Good Hope, or beyond Cape Horn, prior to said first day of September, 1842."

Now, no difficulty can exist as to what vessels are embraced by the British claim. It is freely admitted that in regard to these they shall be the same as though this section of the tariff act had expressly embraced vessels "bound to any port of the United States, actually having left their last port of lading" in any of Her "Britannic Majesty's territories in Europe" prior to the first day of September, 1842; thus placing them on the identical footing with vessels from "eastward of the Cape of Good Hope or beyond Cape Horn."

The designation of such articles imported in these vessels as are protected from increased duties by the convention between the two countries is the only matter of difficulty. According to this convention and the tariff act, they must be "like articles," "the growth, produce, or manufacture of Her Britannic Majesty's territories in Europe," to those which had been imported into the United States from "any other foreign country," "eastward of the Cape of Good Hope or beyond Cape Horn, prior to the said first day of September, eighteen hundred and forty-two."

I invite you, Sir, to furnish me a list of these articles; and in order to enable you to comply with this request, all the information on the subject in possession of the Treasury Department shall be most cheerfully communicated to you.

The phrase "eastward of the Cape of Good Hope or beyond Cape Horn," has received a settled construction by long practice under our revenue laws. It does not embrace any port of Europe, or any port of Asia or Africa upon the Mediterranean.

I avail myself of this occasion to offer you renewed assurances of my distinguished consideration.

JAMES BUCHANAN.

THE RT. HONBLE. R. PAKENHAM,
&c., &c., &c.

P. S.—I have the honor of communicating to you, herewith, a copy of the opinion of the Secretary of the Treasury on the subject of this note.[1]

TO MR. LUNT.[2]

DEPARTMENT OF STATE,
WASHINGTON November 26th 1845.

J. H. LUNT, ESQUIRE,
Secretary of the New England Marine Insurance Company,
Boston.

SIR:

I have to acknowledge the receipt of your letter of the 24th instant, requesting information upon the subject of the Claim against the Government of New Granada in the case of the Schooner Yankee. In reply I have to state, that pursuant to an arrangement between Mr. Blackford, late Chargé d'Affaires of the United States at Bogota, and the Minister for foreign affairs of New Granada, Commissioners were appointed on the part of the respective governments, to adjust the Claim; which business they completed on the 29th of March, last. It appears, from their report, that the amount awarded for the Schooner was four thousand dollars with interest from the 1st of April, 1838, until paid, which amount will be payable in the fiscal year of New Granada beginning on the 1st of September, next.

The proper course for your company to pursue, to realize the amount, would be to execute a power of attorney in favor of some person at Bogota, to receive the same and to give acquittance thereof. The person thus authorized should also be furnished with an authenticated copy of the policy and of the receipt of the assured for the amount paid by the company, and should also be instructed with regard to the remittance of the funds. I am &c. JAMES BUCHANAN.

[1] For this opinion, see H. Ex. Doc. 169, 29 Cong. 1 Sess. 6–8.

[2] MSS. Department of State, 35 Domestic Letters, 331.

TO MR. McLANE.[1]

(No. 17.) DEPARTMENT OF STATE,
WASHINGTON, 27th Novr., 1845.

LOUIS McLANE, ESQRE. &c., &c., &c.,

SIR:

I transmit to you, herewith, a copy of the note of Mr. Pakenham of the 10th instant, and of the accompanying memorandum therein referred to; also a copy of my answer of the 26th instant, and of the opinion of the Secretary of the Treasury.

You will discover from these papers that our long-pending claim against Great Britain for a return of duties levied on Rough Rice, in violation of the Commercial Convention between the two countries, is now in a fair way of being satisfactorily adjusted. The only remaining difficulty is to ascertain precisely what articles shipped previously to the 1st September, 1842, of the growth, produce, or manufacture of Her Britannic Majesty's territories in Europe are entitled, under this convention, to be exempted from the increased duties of the existing tariff. The Secretary of the Treasury informs me that he knows of none, except silks, tin, and earthenware. It is more than probable that Mr. Pakenham will not furnish a list of these articles, without first consulting Lord Aberdeen.

These papers are communicated so that you may possess a knowledge of all the facts, should it become necessary for you to hold any conference with His Lordship on the subject.

The President deems it a favorable moment, also, for again calling Lord Aberdeen's attention to the claim against Her Majesty's Government, arising under a different provision of the same article of the Commercial Convention of 1815, for the return of duties improperly levied on certain Woollen Goods exported to the United States from British ports. For a history of this claim, and its present posture, I beg leave to refer you to the correspondence on file in your Legation, and especially to Mr. Everett's note to His Lordship of the 22d of September, 1843, and his despatches to this Department, numbered 55, 220, and 249.

I am, Sir, with great respect,

Your obedient servant,

JAMES BUCHANAN.

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[1] MSS. Department of State, Instructions, Great Britain, XV. 270; H. Ex. Doc. 38, 30 Cong. 1 Sess. 15.

PRESIDENT POLK'S FIRST ANNUAL MESSAGE.[1]

WASHINGTON, December 2, 1845.

FELLOW CITIZENS OF THE SENATE AND HOUSE OF REPRESENTATIVES:

It is to me a source of unaffected satisfaction to meet the Representatives of the States and the people in Congress assembled, as it will be to receive the aid of their combined wisdom in the administration of public affairs. In performing, for the first time, the duty imposed on me by the Constitution, of giving to you information of the state of the Union, and recommending to your consideration such measures as in my judgment are necessary and expedient, I am happy that I can congratulate you on the continued prosperity of our country. Under the blessings of Divine Providence and the benign influence of our free institutions, it stands before the world a spectacle of national happiness.

With our unexampled advancement in all the elements of national greatness, the affection of the people is confirmed for the Union of the States, and for the doctrines of popular liberty, which lie at the foundation of our Government.

It becomes us, in humility, to make our devout acknowledgments to the Supreme Ruler of the Universe for the inestimable civil and religious blessings with which we are favored.

In calling the attention of Congress to our relations with foreign powers, I am gratified to be able to state, that, though with some of them there have existed since your last session serious causes of irritation and misunderstanding, yet no actual hostilities have taken place. Adopting the maxim in the conduct of our foreign affairs, "to ask nothing that is not right, and submit to nothing that is wrong," it has been my anxious desire to preserve peace with all nations; but, at the same time, to be prepared to resist aggression and maintain all our just rights.

In pursuance of the joint resolution of Congress "for annexing Texas to the United States," my predecessor, on the 3d day of March, 1845, elected to submit the first and second sections of that resolution to the Republic of Texas, as an overture, on the part of the United States, for her admission as a State into our Union. This election I approved, and accordingly the chargé d'affaires of the United States in Texas, under instructions of the 10th of March, 1845, presented these sections of the resolution for the acceptance of that Republic. The executive government, the Congress, and the people of Texas in convention, have successively complied with all the terms and conditions of the joint resolution. A constitution for the government of the State of Texas, formed by a convention of deputies, is herewith laid before Congress. It is well known, also, that the people of Texas at the polls have accepted the terms of annexation and ratified the constitution.

I communicate to Congress the correspondence between the Secretary of State and our chargé d'affaires in Texas, and also the correspondence of

[1] H. Doc. 2, 29 Cong. 1 Sess.; S. Doc. 1, 29 Cong. 1 Sess.; Cong. Globe, 29 Cong. 1 Sess., Appendix, pp. 1 et seq. Only so much of the message is here given as relates to foreign affairs. The materials for this part of the message necessarily were to a great extent furnished by the Secretary of State.

the latter with the authorities of Texas, together with the official documents transmitted by him to his own Government.

The terms of annexation which were offered by the United States having been accepted by Texas, the public faith of both parties is solemnly pledged to the compact of their union. Nothing remains to consummate the event, but the passage of an act by Congress to admit the State of Texas into the Union upon an equal footing with the original States. Strong reasons exist why this should be done at an early period of the session. It will be observed that, by the constitution of Texas, the existing government is only continued temporarily till Congress can act; and that the third Monday of the present month is the day appointed for holding the first general election. On that day a governor, a lieutenant-governor, and both branches of the legislature will be chosen by the people. The President of Texas is required, immediately after the receipt of official information that the new State has been admitted into our Union by Congress, to convene the legislature; and, upon its meeting, the existing government will be superseded, and the State government organized. Questions deeply interesting to Texas, in common with the other States, the extension of our revenue laws and judicial system over her people and territory, as well as measures of a local character, will claim the early attention of Congress; and, therefore, upon every principle of republican government, she ought to be represented in that body without unnecessary delay. I can not too earnestly recommend prompt action on this important subject.

As soon as the act to admit Texas as a State shall be passed, the union of the two Republics will be consummated by their own voluntary consent.

This accession to our territory has been a bloodless achievement. No arm of force has been raised to produce the result. The sword has had no part in the victory. We have not sought to extend our territorial possessions by conquest, or our republican institutions over a reluctant people. It was the deliberate homage of each people to the great principle of our federative union.

If we consider the extent of territory involved in the annexation—its prospective influence on America—the means by which it has been accomplished, springing purely from the choice of the people themselves to share the blessings of our union,—the history of the world may be challenged to furnish a parallel.

The jurisdiction of the United States, which at the formation of the Federal Constitution was bounded by the St. Mary's on the Atlantic, has passed the capes of Florida and been peacefully extended to the Del Norte. In contemplating the grandeur of this event, it is not to be forgotten that the result was achieved in despite of the diplomatic interference of European monarchies. Even France, the country which had been our ancient ally—the country which has a common interest with us in maintaining the freedom of the seas—the country which, by the cession of Louisiana, first opened to us access to the Gulf of Mexico—the country with which we have been every year drawing more and more closely the bonds of successful commerce—most unexpectedly, and to our unfeigned regret, took part in an effort to prevent annexation, and to impose on Texas, as a condition of the recognition of her independence by Mexico, that she would never join herself to the United States. We may rejoice that the tranquil and pervading influence of the American principle of self-government was

sufficient to defeat the purposes of British and French interference, and that the almost unanimous voice of the people of Texas has given to that interference a peaceful and effective rebuke. From this example, European Governments may learn how vain diplomatic arts and intrigues must ever prove upon this continent, against that system of self-government which seems natural to our soil, and which will ever resist foreign interference.

Towards Texas I do not doubt that a liberal and generous spirit will actuate Congress in all that concerns her interests and prosperity, and that she will never have cause to regret that she has united her "lone star" to our glorious constellation.

I regret to inform you that our relations with Mexico, since your last session, have not been of the amicable character which it is our desire to cultivate with all foreign nations. On the 6th day of March last, the Mexican envoy extraordinary and minister plenipotentiary to the United States made a formal protest, in the name of his Government, against the joint resolution passed by Congress, "for the annexation of Texas to the United States," which he chose to regard as a violation of the rights of Mexico, and in consequence of it he demanded his passports. He was informed that the Government of the United States did not consider this joint resolution as a violation of any of the rights of Mexico, or that it afforded any just cause of offense to his Government; that the Republic of Texas was an independent power, owing no allegiance to Mexico, and constituting no part of her territory or rightful sovereignty and jurisdiction. He was also assured that it was the sincere desire of this Government to maintain with that of Mexico relations of peace and good understanding. That functionary, however, notwithstanding these representations and assurances, abruptly terminated his mission, and shortly afterwards left the country. Our envoy extraordinary and minister plenipotentiary to Mexico was refused all official intercourse with that Government, and, after remaining several months, by the permission of his own Government he returned to the United States. Thus, by the acts of Mexico, all diplomatic intercourse between the two countries was suspended.

Since that time Mexico has, until recently, occupied an attitude of hostility toward the United States—has been marshaling and organizing armies, issuing proclamations, and avowing the intention to make war on the United States, either by an open declaration or by invading Texas. Both the Congress and convention of the people of Texas invited this Government to send an army into that territory to protect and defend them against the menaced attack. The moment the terms of annexation offered by the United States were accepted by Texas, the latter became so far a part of our own country as to make it our duty to afford such protection and defense. I therefore deemed it proper, as a precautionary measure, to order a strong squadron to the coasts of Mexico and to concentrate an efficient military force on the western frontier of Texas. Our Army was ordered to take position in the country between the Nueces and the Del Norte, and to repel any invasion of the Texan territory which might be attempted by the Mexican forces. Our squadron in the Gulf was ordered to co-operate with the Army. But though our Army and Navy were placed in a position to defend our own and the rights of Texas, they were ordered to commit no act of hostility against Mexico, unless she declared war or was herself the aggressor by striking the first blow. The result has been that Mexico has

made no aggressive movement, and our military and naval commanders have executed their orders with such discretion that the peace of the two Republics has not been disturbed.

Texas had declared her independence, and maintained it by her arms for more than nine years. She had had an organized government in successful operation during that period. Her separate existence, as an independent state, had been recognized by the United States and the principal powers of Europe. Treaties of commerce and navigation had been concluded with her by different nations, and it had become manifest to the whole world that any further attempt on the part of Mexico to conquer her, or overthrow her Government, would be vain. Even Mexico herself had become satisfied of this fact; and whilst the question of annexation was pending before the people of Texas, during the past summer, the Government of Mexico, by a formal act, agreed to recognize the independence of Texas on condition that she would not annex herself to any other power. The agreement to acknowledge the independence of Texas, whether with or without this condition, is conclusive against Mexico. The independence of Texas is a fact conceded by Mexico herself, and she had no right or authority to prescribe restrictions as to the form of government which Texas might afterwards choose to assume.

But although Mexico can not complain of the United States on account of the annexation of Texas, it is to be regretted that serious causes of misunderstanding between the two countries continue to exist, growing out of the unredressed injuries inflicted by the Mexican authorities and people on the persons and property of citizens of the United States, through a long series of years. Mexico has admitted these injuries, but has neglected and refused to repair them. Such was the character of the wrongs and such the insults repeatedly offered to American citizens and the American flag by Mexico, in palpable violation of the laws of nations and the treaty between the two countries of the 5th of April, 1831, that they have been repeatedly brought to the notice of Congress by my predecessors. As early as the eighth of February, 1837, the President of the United States declared, in a message to Congress, that: "The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the persons and property of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late extraordinary Mexican minister, would justify in the eyes of all nations immediate war." He did not, however, recommend an immediate resort to this extreme measure, which, he declared, "should not be used by just and generous nations, confiding in their strength for injuries committed, if it can be honorably avoided;" but, in a spirit of forbearance, proposed that another demand be made on Mexico for that redress which had been so long and unjustly withheld. In these views, committees of the two Houses of Congress, in reports made to their respective bodies, concurred. Since these proceedings more than eight years have elapsed, during which, in addition to the wrongs then complained of, others of an aggravated character have been committed on the persons and property of our citizens. A special agent was sent to Mexico in the summer of 1838, with full authority to make another and final demand for redress. The demand was made; the Mexican Government

promised to repair the wrongs of which we complained, and, after much delay, a treaty of indemnity with that view was concluded between the two powers on the 11th of April, 1839, and was duly ratified by both Governments. By this treaty a joint commission was created to adjudicate and decide on the claims of American citizens on the Government of Mexico. The commission was organized at Washington on the 25th day of August, 1840. Their time was limited to eighteen months; at the expiration of which they had adjudicated and decided claims amounting to $2,026,139.68 in favor of citizens of the United States against the Mexican Government, leaving a large amount of claims undecided. Of the latter, the American commissioners had decided in favor of our citizens claims amounting to $928,627.88, which were left unacted on by the umpire authorized by the treaty. Still further claims, amounting to between three and four millions of dollars, were submitted to the board too late to be considered, and were left undisposed of. The sum of $2,026,139.68, decided by the board, was a liquidated and ascertained debt due by Mexico to the claimants, and there was no justifiable reason for delaying its payment according to the terms of the treaty. It was not, however, paid. Mexico applied for further indulgence; and, in that spirit of liberality and forbearance which has ever marked the policy of the United States toward the Republic, the request was granted, and on the 30th of January, 1843, a new treaty was concluded. By this treaty it was provided that the interest on the awards in favor of claimants under the convention of the 11th of April, 1839, should be paid on the 30th of April, 1843; and that "The principal of the said awards, and the interest accruing thereon, shall be paid in five years, in equal installments every three months, the said term of five years to commence on the thirtieth day of April, 1843, as aforesaid."

The interest due on the thirtieth day of April, 1843, and the three first of the twenty installments have been paid. Seventeen of these installments remain unpaid, seven of which are now due.

The claims which were left undecided by the joint commission, amounting to more than three millions of dollars, together with other claims for spoliations on the property of our citizens, were subsequently presented to the Mexican Government for payment, and were so far recognized that a treaty, providing for their examination and settlement by a joint commission, was concluded and signed at Mexico on the twentieth day of November, 1843. This treaty was ratified by the United States, with certain amendments, to which no just exception could have been taken; but it has not yet received the ratification of the Mexican Government. In the meantime, our citizens, who suffered great losses, and some of whom have been reduced from affluence to bankruptcy, are without remedy, unless their rights be enforced by their Government. Such a continued and unprovoked series of wrongs could never have been tolerated by the United States, had they been committed by one of the principal nations of Europe. Mexico was, however, a neighboring sister republic, which, following our example, had achieved her independence, and for whose success and prosperity all our sympathies were early enlisted. The United States were the first to recognize her independence and to receive her into the family of nations, and have ever been desirous of cultivating with her a good understanding. We have, therefore, borne the repeated wrongs she has committed, with great patience, in the hope that a returning sense of justice would ultimately guide her councils, and that we might, if possible, honorably avoid any hostile collision with her.

Without the previous authority of Congress, the Executive possessed no power to adopt or enforce adequate remedies for the injuries we had suffered, or to do more than to be prepared to repel the threatened aggression on the part of Mexico. After our Army and Navy had remained on the frontier and coasts of Mexico for many weeks without any hostile movement on her part, though her menaces were continued, I deemed it important to put an end, if possible, to this state of things. With this view, I caused steps to be taken, in the month of September last, to ascertain distinctly, and in an authentic form, what the designs of the Mexican Government were; whether it was their intention to declare war, or invade Texas, or whether they were disposed to adjust and settle, in an amicable manner, the pending differences between the two countries. On the 9th of November an official answer was received, that the Mexican Government consented to renew the diplomatic relations which had been suspended in March last, and for that purpose were willing to accredit a minister from the United States. With a sincere desire to preserve peace and restore relations of good understanding between the two Republics, I waived all ceremony as to the manner of renewing diplomatic intercourse between them; and, assuming the initiative, on the 10th of November a distinguished citizen of Louisiana was appointed envoy extraordinary and minister plenipotentiary to Mexico, clothed with full powers to adjust, and definitively settle, all pending differences between the two countries, including those of boundary between Mexico and the State of Texas. The minister appointed has set out on his mission and is probably by this time near the Mexican capital. He has been instructed to bring the negotiation with which he is charged to a conclusion at the earliest practicable period; which, it is expected, will be in time to enable me to communicate the result to Congress during the present session. Until that result is known I forbear to recommend to Congress such ulterior measures of redress for the wrongs and injuries we have so long borne, as it would have been proper to make had no such negotiation been instituted.

Congress appropriated at the last session the sum of two hundred and seventy-five thousand dollars for the payment of the April and July installments of the Mexican indemnities for the year 1844: "Provided it shall be ascertained to the satisfaction of the American Government that said installments have been paid by the Mexican Government to the agent appointed by the United States to receive the same, in such manner as to discharge all claim on the Mexican Government, and said agent to be delinquent in remitting the money to the United States."

The unsettled state of our relations with Mexico has involved this subject in much mystery. The first information, in an authentic form, from the agent of the United States, appointed under the Administration of my predecessor, was received at the State Department on the 9th of November last. This is contained in a letter, dated the 17th of October, addressed by him to one of our citizens then in Mexico, with a view of having it communicated to that Department. From this it appears that the agent, on the 20th of September, 1844, gave a receipt to the treasury of Mexico for the amount of the April and July installments of the indemnity. In the same communication, however, he asserts that he had not received a single dollar in cash, but that he holds such securities as warranted him at the time in giving the receipt, and entertains no doubt but that he will eventually obtain the money. As these installments appear never to have been actually paid by the Gov-

ernment of Mexico to the agent, and as that Government has not, therefore, been released so as to discharge the claim, I do not feel myself warranted in directing payment to be made to the claimants out of the Treasury, without further legislation. Their case is, undoubtedly, one of much hardship; and it remains for Congress to decide whether any, and what, relief ought to be granted to them. Our minister to Mexico has been instructed to ascertain the facts of the case from the Mexican Government, in an authentic and official form, and report the result with as little delay as possible.

My attention was early directed to the negotiation which, on the 4th of March last, I found pending at Washington between the United States and Great Britain on the subject of the Oregon Territory. Three several attempts had been previously made to settle the questions in dispute between the two countries, by negotiation, upon the principle of compromise; but each had proved unsuccessful.

These negotiations took place at London in the years 1818, 1824, and 1826; the two first under the Administration of Mr. Monroe, and the last under that of Mr. Adams. The negotiation of 1818, having failed to accomplish its object, resulted in the convention of the 20th of October of that year.

By the third article of that convention, it was "agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention to the vessels, citizens, and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or state to any part of the said country; the only object of the high contracting parties in that respect being to prevent disputes and differences among themselves."

The negotiation of 1824 was productive of no result, and the convention of 1818 was left unchanged.

The negotiation of 1826, having also failed to effect an adjustment by compromise, resulted in the convention of August the sixth, 1827, by which it was agreed to continue in force, for an indefinite period, the provisions of the third article of the convention of the 20th of October, 1818; and it was further provided, that "It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the twentieth of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be accordingly entirely annulled and abrogated after the expiration of the said term of notice."

In these attempts to adjust the controversy, the parallel of the forty-ninth degree of north latitude had been offered by the United States to Great Britain, and in those of 1818 and 1826, with a further concession of the free navigation of the Columbia river south of that latitude. The parallel of the forty-ninth degree, from the Rocky Mountains to its intersection with the northeasternmost branch of the Columbia, and thence down the channel of that river to the sea, had been offered by Great Britain, with an addition of a small detached territory north of the Columbia. Each of these propositions had been rejected by the parties respectively.

In October, 1843, the envoy extraordinary and minister plenipotentiary of the United States in London was authorized to make a similar offer to those made in 1818 and 1826. Thus stood the question, when the negotiation was shortly afterwards transferred to Washington, and, on the 23d of August, 1844, was formally opened, under the direction of my immediate predecessor. Like all the previous negotiations, it was based upon principles of "compromise;" and the avowed purpose of the parties was, "to treat of the respective claims of the two countries to the Oregon Territory, with the view to establish a permanent boundary between them westward of the Rocky Mountains to the Pacific Ocean." Accordingly, on the 26th of August, 1844, the British plenipotentiary offered to divide the Oregon Territory by the forty-ninth parallel of north latitude, from the Rocky Mountains to the point of its intersection with the northeasternmost branch of the Columbia river, and thence down that river to the sea; leaving the free navigation of the river to be enjoyed in common by both parties—the country south of this line to belong to the United States, and that north of it to Great Britain. At the same time, he proposed, in addition, to yield to the United States a detached territory, north of the Columbia, extending along the Pacific and the Straits of Fuca, from Bulfinch's Harbor, inclusive, to Hood's Canal, and to make free to the United States any port or ports south of latitude 49°, which they might desire, either on the mainland, or on Quadra and Vancouver's Island. With the exception of the free ports, this was the same offer which had been made by the British, and rejected by the American Government, in the negotiation of 1826. This proposition was properly rejected by the American plenipotentiary on the day it was submitted. This was the only proposition of compromise offered by the British plenipotentiary. The proposition on the part of Great Britain having been rejected, the British plenipotentiary requested that a proposal should be made by the United States for "an equitable adjustment of the question."

When I came into office, I found this to be the state of the negotiation. Though entertaining the settled conviction that the British pretensions of title could not be maintained to any portion of the Oregon Territory upon any principle of public law recognized by nations, yet, in deference to what had been done by my predecessors, and especially in consideration that propositions of compromise had been thrice made, by two preceding Administrations, to adjust the question on the parallel of 49°, and in two of them yielding to Great Britain the free navigation of the Columbia, and that the pending negotiation had been commenced on the basis of compromise, I deemed it to be my duty not abruptly to break it off. In consideration, too, that under the convention of 1818 and 1827 the citizens and subjects of the two Powers held a joint occupancy of the country, I was induced to make another effort to settle this long-pending controversy in the spirit of moderation which had given birth to the renewed discussion. A proposition was accordingly made, which was rejected by the British plenipotentiary, who, without submitting any other proposition, suffered the negotiation on his part to drop, expressing his trust that the United States would offer what he saw fit to call "some further proposal for the settlement of the Oregon question, more consistent with fairness and equity, and with the reasonable expectations of the British Government." The proposition thus offered and rejected repeated the offer of the parallel of 49° of north latitude, which had been made by two preceding Administrations, but without proposing to sur-

render to Great Britain, as they had done, the free navigation of the Columbia river. The right of any foreign power to the free navigation of any of our rivers, through the heart of our country, was one which I was unwilling to concede. It also embraced a provision to make free to Great Britain any port or ports on the cap of Quadra and Vancouver's Island, south of this parallel. Had this been a new question, coming under discussion for the first time, this proposition would not have been made. The extraordinary and wholly inadmissible demands of the British Government, and the rejection of the proposition made in deference alone to what had been done by my predecessors, and the implied obligation which their acts seemed to impose, afford satisfactory evidence that no compromise which the United States ought to accept can be effected. With this conviction, the proposition of compromise which had been made and rejected was, by my direction, subsequently withdrawn, and our title to the whole Oregon Territory asserted, and, as is believed, maintained by irrefragable facts and arguments.

The civilized world will see in these proceedings a spirit of liberal concession on the part of the United States; and this Government will be relieved from all responsibility which may follow the failure to settle the controversy.

All attempts at compromise having failed, it becomes the duty of Congress to consider what measures it may be proper to adopt for the security and protection of our citizens now inhabiting or who may hereafter inhabit Oregon, and for the maintenance of our just title to that Territory. In adopting measures for this purpose care should be taken that nothing be done to violate the stipulations of the convention of 1827, which is still in force. The faith of treaties, in their letter and spirit, has ever been, and, I trust, will ever be, scrupulously observed by the United States. Under that convention, a year's notice is required to be given by either party to the other, before the joint occupancy shall terminate, and before either can rightfully assert or exercise exclusive jurisdiction over any portion of the territory. This notice it would, in my judgment, be proper to give; and I recommend that provision be made by law for giving it accordingly, and terminating in this manner the convention of the 6th of August, 1827.

It will become proper for Congress to determine what legislation they can, in the meantime, adopt without violating this convention. Beyond all question, the protection of our laws and our jurisdiction, civil and criminal, ought to be immediately extended over our citizens in Oregon. They have had just cause to complain of our long neglect in this particular, and have, in consequence, been compelled, for their own security and protection, to establish a provisional government for themselves. Strong in their allegiance and ardent in their attachment to the United States, they have been thus cast upon their own resources. They are anxious that our laws should be extended over them, and I recommend that this be done by Congress with as little delay as possible, in the full extent to which the British Parliament have proceeded in regard to British subjects in that Territory, by their act of July 2, 1821, "for regulating the fur trade, and establishing a criminal and civil jurisdiction within certain parts of North America." By this act Great Britain extended her laws and jurisdiction, civil and criminal, over her subjects engaged in the fur trade in that Territory. By it, the courts of the Province of Upper Canada were empowered to take cognizance of causes

civil and criminal. Justices of the peace and other judicial officers were authorized to be appointed in Oregon, with power to execute all process issuing from the courts of that Province, and to "sit and hold courts of record for the trial of criminal offenses and misdemeanors" not made the subject of capital punishment, and also of civil cases where the cause of action shall not "exceed in value the amount or sum of two hundred pounds."

Subsequent to the date of this act of Parliament, a grant was made from the "British Crown" to the Hudson's Bay Company of the exclusive trade with the Indian tribes in the Oregon Territory, subject to a reservation that it shall not operate to the exclusion "of the subjects of any foreign states who, under or by force of any convention for the time being between us and such foreign states, respectively, may be entitled to, and shall be engaged in, the said trade."

It is much to be regretted that while under this act British subjects have enjoyed the protection of British laws and British judicial tribunals throughout the whole of Oregon, American citizens in the same Territory have enjoyed no such protection from their Government. At the same time, the result illustrates the character of our people and their institutions. In spite of this neglect, they have multiplied, and their number is rapidly increasing in that Territory. They have made no appeal to arms, but have peacefully fortified themselves in their new homes by the adoption of republican institutions for themselves; furnishing another example of the truth that self-government is inherent in the American breast, and must prevail. It is due to them that they should be embraced and protected by our laws.

It is deemed important that our laws regulating trade and intercourse with the Indian tribes east of the Rocky Mountains should be extended to such tribes as dwell beyond them.

The increasing emigration to Oregon, and the care and protection which is due from the Government to its citizens in that distant region, make it our duty, as it is our interest, to cultivate amicable relations with the Indian tribes of that Territory. For this purpose, I recommend that provision be made for establishing an Indian agency, and such sub-agencies as may be deemed necessary beyond the Rocky Mountains.

For the protection of emigrants, whilst on their way to Oregon, against the attacks of the Indian tribes occupying the country through which they pass, I recommend that a suitable number of stockades and blockhouse forts be erected along the usual route between our frontier settlements on the Missouri and the Rocky Mountains, and that an adequate force of mounted riflemen be raised to guard and protect them on their journey. The immediate adoption of these recommendations by Congress will not violate the provisions of the existing treaty. It will be doing nothing more for American citizens than British laws have long since done for British subjects in the same territory.

It requires several months to perform the voyage by sea from the Atlantic States to Oregon; and although we have a large number of whale ships in the Pacific, but few of them afford an opportunity of interchanging intelligence, without great delay, between our settlements in that distant region and the United States. An overland mail is believed to be entirely

practicable, and the importance of establishing such a mail, at least once a month, is submitted to the favorable consideration of Congress.

It is submitted to the wisdom of Congress to determine whether at their present session, and until after the expiration of the year's notice, any other measures may be adopted, consistently with the convention of 1827, for the security of our rights and the government and protection of our citizens in Oregon. That it will ultimately be wise and proper to make liberal grants of land to the patriotic pioneers who, amidst privations and dangers, lead the way through savage tribes inhabiting the vast wilderness intervening between our frontier settlements and Oregon, and who cultivate and are ever ready to defend the soil, I am fully satisfied. To doubt whether they will obtain such grants as soon as the convention between the United States and Great Britain shall have ceased to exist would be to doubt the justice of Congress; but, pending the year's notice, it is worthy of consideration whether a stipulation to this effect may be made consistently with the spirit of that convention.

The recommendations which I have made, as to the best manner of securing our rights in Oregon, are submitted to Congress with great deference. Should they, in their wisdom, devise any other mode better calculated to accomplish the same object, it shall meet with my hearty concurrence.

At the end of the year's notice, should Congress think it proper to make provision for giving that notice, we shall have reached a period when the national rights in Oregon must either be abandoned or firmly maintained. That they can not be abandoned without a sacrifice of both national honor and interest, is too clear to admit of doubt.

Oregon is a part of the North American continent, to which, it is confidently affirmed, the title of the United States is the best now in existence. For the grounds on which that title rests I refer you to the correspondence of the late and present Secretary of State with the British plenipotentiary during the negotiation. The British proposition of compromise, which would make the Columbia the line south of 49°, with a trifling addition of detached territory to the United States, north of that river, and would leave on the British side two-thirds of the whole Oregon Territory, including the free navigation of the Columbia and all the valuable harbors on the Pacific, can never, for a moment, be entertained by the United States, without an abandonment of their just and clear territorial rights, their own self-respect, and the national honor. For the information of Congress, I communicate herewith the correspondence which took place between the two Governments during the late negotiation.

The rapid extension of our settlements over our territories heretofore unoccupied, the addition of new States to our Confederacy, the expansion of free principles, and our rising greatness as a nation are attracting the attention of the powers of Europe; and lately the doctrine has been broached, in some of them, of a "balance of power" on this continent to check our advancement. The United States, sincerely desirous of preserving relations of good understanding with all nations, can not in silence permit any European interference on the North American continent; and should any such interference be attempted will be ready to resist it at any and all hazards.

It is well known to the American people and to all nations, that this Government has never interfered with the relations subsisting between other governments. We have never made ourselves parties to their wars or their

alliances; we have not sought their territories by conquest; we have not mingled with parties in their domestic struggles; and, believing our own form of government to be the best, we have never attempted to propagate it by intrigues, by diplomacy, or by force. We may claim on this continent a like exemption from European interference. The nations of America are equally sovereign and independent with those of Europe. They possess the same rights, independent of all foreign interposition, to make war, to conclude peace, and to regulate their internal affairs. The people of the United States can not, therefore, view with indifference attempts of European powers to interfere with the independent action of the nations on this continent. The American system of government is entirely different from that of Europe. Jealousy among the different sovereigns of Europe, lest any one of them might become too powerful for the rest, has caused them anxiously to desire the establishment of what they term the "balance of power." It can not be permitted to have any application on the North American continent, and especially to the United States. We must ever maintain the principle that the people of this continent alone have the right to decide their own destiny. Should any portion of them, constituting an independent state, propose to unite themselves with our Confederacy, this will be a question for them and us to determine, without any foreign interposition. We can never consent that European powers shall interfere to prevent such a union, because it might disturb the "balance of power" which they may desire to maintain upon this continent. Near a quarter of a century ago, the principle was distinctly announced to the world, in the annual message of one of my predecessors, that "The American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers."

This principle will apply with greatly increased force, should any European power attempt to establish any new colony in North America. In the existing circumstances of the world, the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe, and to state my cordial concurrence in its wisdom and sound policy. The reassertion of this principle, especially in reference to North America, is at this day but the promulgation of a policy which no European power should cherish the disposition to resist. Existing rights of every European nation should be respected; but it is due alike to our safety and our interests, that the efficient protection of our laws should be extended over our whole territorial limits, and that it should be distinctly announced to the world, as our settled policy, that no future European colony or dominion shall, with our consent, be planted or established on any part of the North American continent.

A question has recently arisen under the tenth article of the subsisting treaty between the United States and Prussia. By this article, the consuls of the two countries have the right to sit as judges and arbitrators "in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country, or the said consuls should require their assistance to cause their decisions to be carried into effect or supported."

The Prussian consul at New Bedford, in June, 1844, applied to Mr. Justice Story to carry into effect a decision made by him between the captain

and crew of the Prussian ship *Borussia;* but the request was refused on the ground that, without previous legislation by Congress, the judiciary did not possess the power to give effect to this article of the treaty. The Prussian Government, through their minister here, have complained of this violation of the treaty, and have asked the Government of the United States to adopt the necessary measures to prevent similar violations hereafter. Good faith to Prussia, as well as to other nations with whom we have similar treaty stipulations, requires that these should be faithfully observed. I have deemed it proper, therefore, to lay the subject before Congress, and to recommend such legislation as may be necessary to give effect to these treaty obligations.

By virtue of an arrangement made between the Spanish Government and that of the United States in December, 1831, American vessels, since the 29th of April, 1832, have been admitted to entry in the ports of Spain, including those of the Balearic and Canary islands, on payment of the same tonnage duty of five cents per ton, as though they had been Spanish vessels; and this, whether our vessels arrive in Spain directly from the United States or indirectly from any other country. When Congress, by the act of 13th July, 1832, gave effect to this arrangement between the two Governments, they confined the reduction of tonnage duty merely to Spanish vessels "coming from a port in Spain," leaving the former discriminating duty to remain against such vessels coming from a port in any other country. It is manifestly unjust that, whilst American vessels arriving in the ports of Spain from other countries pay no more duty than Spanish vessels, Spanish vessels arriving in the ports of the United States from other countries should be subjected to heavy discriminating tonnage duties. This is neither equality nor reciprocity, and is in violation of the arrangement concluded in December, 1831, between the two countries. The Spanish Government have made repeated and earnest remonstrances against this inequality, and the favorable attention of Congress has been several times invoked to the subject by my predecessors. I recommend, as an act of justice to Spain, that this inequality be removed by Congress, and that the discriminating duties which have been levied under the act of the 13th of July, 1832, on Spanish vessels coming to the United States from any other foreign country be refunded. This recommendation does not embrace Spanish vessels arriving in the United States from Cuba and Porto Rico, which will still remain subject to the provisions of the act of June 30th, 1834, concerning tonnage duty on such vessels.

By the act of the 14th of July, 1832, coffee was exempted from duty altogether. This exemption was universal, without reference to the country where it was produced or the national character of the vessel in which it was imported. By the tariff act of the 30th of August, 1842, this exemption from duty was restricted to coffee imported in American vessels from the place of its production; whilst coffee imported under all other circumstances was subjected to a duty of 20 per cent. *ad valorem*. Under this act and our existing treaty with the King of the Netherlands, Java coffee imported from the European ports of that Kingdom into the United States, whether in Dutch or American vessels, now pays this rate of duty. The Government of the Netherlands complains that such a discriminating duty should have been imposed on coffee the production of one of its colonies, and which is chiefly brought from Java to the ports of that Kingdom, and exported from thence to foreign countries. Our trade with the Netherlands is highly beneficial to both countries, and our relations with them have ever been of the

most friendly character. Under all the circumstances of the case, I recommend that this discrimination should be abolished, and that the coffee of Java, imported from the Netherlands, be placed upon the same footing with that imported directly from Brazil and other countries where it is produced.

Under the eighth section of the tariff act of the 30th of August, 1842, a duty of fifteen cents per gallon was imposed on port wine in casks; while on the red wines of several other countries, when imported in casks, a duty of only six cents per gallon was imposed. This discrimination, so far as regarded the port wine of Portugal, was deemed a violation of our treaty with that power, which provides, that "No higher or other duties shall be imposed on the importation into the United States of America of any article the growth, produce, or manufacture of the Kingdom and possessions of Portugal, than such as are or shall be payable on the like article being the growth, produce, or manufacture of any other foreign country."

Accordingly, to give effect to the treaty as well as to the intention of Congress, expressed in a proviso to the tariff act itself, that nothing therein contained should be so construed as to interfere with subsisting treaties with foreign nations, a Treasury circular was issued on the 16th of July, 1844, which, among other things, declared the duty on the port wine of Portugal, in casks, under the existing laws and treaty to be six cents per gallon, and directed that the excess of duties which had been collected on such wine should be refunded. By virtue of another clause in the same section of the act, it is provided that all imitations of port, or any other wines, "shall be subject to the duty provided for the genuine article." Imitations of port wine, the production of France, are imported to some extent into the United States; and the Government of that country now claims that, under a correct construction of the act, these imitations ought not to pay a higher duty than that imposed upon the original port wine of Portugal. It appears to me to be unequal and unjust that French imitations of port wine should be subjected to a duty of fifteen cents, while the more valuable article from Portugal should pay a duty of six cents only per gallon. I therefore recommend to Congress such legislation as may be necessary to correct the inequality.

The late President, in his annual message of December last, recommended an appropriation to satisfy the claims of the Texan Government against the United States, which had been previously adjusted, so far as the powers of the Executive extend. These claims arose out of the act of disarming a body of Texan troops under the command of Major Snively by an officer in the service of the United States, acting under the orders of our Government; and the forcible entry into the custom-house at Bryarly's Landing, on Red River, by certain citizens of the United States, and taking away therefrom the goods seized by the collector of the customs as forfeited under the laws of Texas. This was a liquidated debt, ascertained to be due to Texas when an independent state. Her acceptance of the terms of annexation proposed by the United States does not discharge or invalidate the claim. I recommend that provision be made for its payment.

The commissioner appointed to China during the special session of the Senate in March last shortly afterwards set out on his mission in the United States ship *Columbus*. On arriving at Rio de Janeiro on his passage, the state of his health had become so critical, that, by the advice of his medical attendants, he returned to the United States early in the month of October last. Commodore Biddle, commanding the East India Squadron, proceeded

on his voyage in the *Columbus*, and was charged by the commissioner with the duty of exchanging with the proper authorities the ratifications of the treaty lately concluded with the Emperor of China. Since the return of the commissioner to the United States, his health has been much improved, and he entertains the confident belief that he will soon be able to proceed on his mission.

Unfortunately, differences continue to exist among some of the nations of South America, which, following our example, have established their independence; while in others, internal dissensions prevail. It is natural that our sympathies should be warmly enlisted for their welfare; that we should desire that all controversies between them should be amicably adjusted and their Governments administered in a manner to protect the rights and promote the prosperity of their people. It is contrary, however, to our settled policy to interfere in their controversies, whether external or internal.

I have thus adverted to all the subjects connected with our foreign relations, to which I deem it necessary to call your attention. Our policy is not only peace with all, but good will towards all the powers of the earth. While we are just to all, we require that all shall be just to us. Excepting the differences with Mexico and Great Britain, our relations with all civilized nations are of the most satisfactory character. It is hoped that in this enlightened age these differences may be amicably adjusted.

TO MR. CHAMPLEY.[1]

DEPARTMENT OF STATE,
WASHINGTON December 5th 1845.

GEORGE CHAMPLEY ESQRE.,
Xenia, Green Co.
Ohio.

SIR:

Your letter of the 7th ultimo, to the President of the United States, on the subject of your claims for indemnity from the Mexican Government, has been referred to this Department. In this letter you mention a former decision upon your application for the intervention of the Government of the United States in your case. In that decision, which was communicated to you, under date the 15th April, 1837, by Mr. Forsyth, then Secretary of State, you were informed that "the fact which you state, that although long a resident of this country you have not been naturalized as a citizen of the United States, is an insuperable bar to any interference of this Government in your behalf." The view of the subject then taken is deemed to be the correct

[1] MSS. Department of State, 35 Domestic Letters, 338.

one still; for it is not seen how the fact of your having become naturalized since that time can have the retroactive operation which you claim for it.

It is highly probable, however, that all claims of American citizens upon the Government of Mexico will come under the cognizance of Commissioners, clothed with special powers in regard to all the points presented by the several cases brought before them; and it will be for them to decide authoritatively upon the question here raised by you.

I am &c.

JAMES BUCHANAN.

TO MR. STUCKEN.[1]

DEPARTMENT OF STATE,
WASHINGTON, 6th December, 1845.

EDWARD STUCKEN, ESQRE.,
Pro. tem. Consul of Hanover,
New York.

SIR: In your note of the 26th August, and that of the 12th ultimo, both of which have been received, you state that you have been instructed to say, that your Government, wishing its vessels to enjoy the same privileges in the Ports of the United States, which were granted to the vessels of the Grand Duchy of Mecklenburg-Schwerin, by virtue of the Executive Proclamation of the 28th April, 1835, has resolved that the vessels of the United States and their cargoes shall, in future, be subject, in the Ports of the Kingdom of Hanover, to no other or higher dues or charges, of whatever nature they may be, than those which are now or shall hereafter be imposed on national vessels in the same ports,—and particularly that the vessels of the United States are to enjoy the same advantages, which, by a Treaty concluded on the 22nd of July, 1840, at London, are granted to the vessels of Great Britain, in the payment of tolls collected at Stade, on vessels passing up the Elbe;—and now conclude by asking to be informed whether any, and what, further proofs of the above statement will be required, to cause the President to issue a Proclamation, taking off the discriminating duties on Hanoverian vessels and their cargoes.

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[1] MSS. Department of State, Notes to German States, VI. 124.

I am directed by the President to inform you in reply that, before he is authorised to issue his Proclamation according to your request, some official act or resolution of the Government of His Majesty the King of Hanover, properly authenticated, must be furnished to this Department, establishing the fact, in the language of the Act of Congress of the 24th May, 1828, "that no discriminating duties of tonnage or impost are imposed or levied in the Ports of the said nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufacture or merchandise imported in the same, from the United States or from any foreign country." As soon as you shall have communicated such satisfactory evidence, the President will promptly and cheerfully issue his Proclamation, placing Hanoverian vessels and their cargoes, in the ports of the United States, upon the same footing, in respect to foreign commerce, with our own vessels and their cargoes.

The President must be satisfied that American vessels enjoy all the exemptions of Hanoverian vessels in regard to the tolls collected at Stade; otherwise the reciprocity required by the Act of Congress would not exist. Not having in my possession a copy of the Treaty concluded at London between Great Britain and Hanover, to which you refer, I cannot say whether this Treaty places British vessels upon the same footing with Hanoverian vessels in respect to these tolls. If it does, of course a similar provision in any authentic form would be satisfactory to the President. I should feel much indebted to you for a copy of this Treaty.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.[1]

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[1] The following formal reports of Mr. Buchanan, as Secretary of State, may here be mentioned:

December 5, 1845, S. Doc. 7, and H. Doc. 11, 29 Cong. 1 Sess., transmitting the annual statement of the contingent expenses of the Department of State.

December 5, 1845, H. Ex. Doc. 43, 29 Cong. 1 Sess., MS. Report Book, VI. 169, accompanied with certain correspondence of George W. Slacum, late United States consul at Rio de Janeiro, in relation to the African slave trade.

December 11, 1845, S. Doc. 14, 29 Cong. 1 Sess., accompanied with correspondence in relation to the case of the brig *General Armstrong*.

December 12, 1845, S. Doc. 17, 29 Cong. 1 Sess., in relation to expendi-

REPORT ON THE AFRICAN SLAVE TRADE.[1]

DEPARTMENT OF STATE,
WASHINGTON, December 8, 1845.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 25th of February, 1845, requesting the President to cause to be communicated to that House, "if not incompatible with the public interest, the correspondence of George W. Slacum, late consul of the United States at Rio de Janeiro, with the Department of State, relating to the African slave trade," has the honor to submit to the President the accompanying copies of the correspondence requested.

The greater portion of this correspondence was, in compliance with a resolution of the Senate of the 21st February, 1844, transmitted to that body, and forms part of the printed documents of the 1st session of the 28th Congress.

JAMES BUCHANAN.

THE PRESIDENT OF THE UNITED STATES.

REPORT ON THE CASE OF THE BRIG GENERAL ARMSTRONG.[2]

DEPARTMENT OF STATE,
WASHINGTON, 11th December, 1845.

The Secretary of State, to whom has been referred the resolution of the Senate of the United States of the 8th of January last, requesting the President "to cause to be communicated

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tures from the appropriation made by the act of March 3, 1843, providing the means for intercourse with China.

January 6, 1846, S. Doc. 38, 29 Cong. 1 Sess., in relation to the claims of Texas against the United States for damages for outrages committed by citizens of the United States in the collection district of Red River, Texas, in March, 1843.

[1] This report was sent to the House of Representatives by President Polk, Dec. 19, 1845, and is printed in H. Doc. 43, 29 Cong. 1 Sess. 1. The report is recorded in MS. Report Book, VI. 169, where the date is given as Dec. 5, 1845.

[2] This report was sent by President Polk to the Senate, Dec. 15, 1845, and is printed in S. Doc. 14, 29 Cong. 1 Sess. It is recorded in MS. Report Book, VI. 163.

to the Senate copies of all the correspondence, evidence, and papers on file in the State Department, in the case of the brig General Armstrong, against the government of Portugal; and to communicate to the Senate the causes which have retarded an adjustment of the said claim, and of the proceedings still in progress to effect the object," has the honor to report to the President the accompanying papers, which will be found to contain all the information called for by the resolution.

Respectfully submitted.

JAMES BUCHANAN.

TO THE PRESIDENT OF THE UNITED STATES.

REPORT ON INTERCOURSE WITH CHINA.[1]

DEPARTMENT OF STATE,
December 12, 1845.

SIR:

The act entitled "An act providing the means of future intercourse between the United States and the government of China," approved the 3d of March, 1843, directs that the sum appropriated shall be accounted for by the President, in the manner prescribed by the act of first of July, one thousand seven hundred and ninety, entitled "An act providing the means of intercourse between the United States and foreign nations." I have the honor, therefore, to present to you the accompanying statement, prepared by the Fifth Auditor, of the expenditures from the fund appropriated; and to be, sir,

Very respectfully, your obedient servant,

JAMES BUCHANAN.

THE PRESIDENT.

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[1] This report was sent by President Polk to Congress, Dec. 22, 1845, and is printed in S. Doc. 17, 29 Cong. 1 Sess. 1.

TO MR. WILLIAMS.[1]

DEPARTMENT OF STATE,
WASHINGTON Decr. 12, 1845.

JOHN B. WILLIAMS ESQRE.
U. S. C. Bay of Islands.

SIR,

Representations have been made to this Department by Her Britannic Majesty's Minister near this Government, founded upon information which the Foreign Office at London has received from H. B. M.'s Governor of New Zealand, that you had used your influence to encourage the Natives of that Island, in their recent outbreaks against Her Majesty's Subjects residing there, and furnished the insurgents with powder and arms.

Your instructions from this Department direct you scrupulously to abstain from all participation whatever in the political concerns of that Island. To encourage the Savages there, whose known rule of warfare is to spare neither age nor sex, to rise against the British Inhabitants, would be an act demanding the strongest reprehension. I hope that upon investigation the charge may prove to be altogether without foundation; and I am anxious to learn your explanation.

If you have taken part in the disturbances which have there arisen, and your course has been such as is represented, it involves a violation of your instructions so plain and of so serious a character, that the President will feel called on to express his strong disapprobation of it, and to prevent its future recurrence. In the mean time I trust that you will keep a strict guard upon your conduct, so as to prevent all future complaints of a similar character.

I am, Sir, &c.

JAMES BUCHANAN.

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[1] MSS. Department of State, Despatches to Consuls, XI. 432. See Mr. Buchanan to Mr. Williams, April 21, 1847, infra.

TO MR. McLANE.[1]

(No. 20.) DEPARTMENT OF STATE.

WASHINGTON, Decr. 13, 1845.

SIR: You will receive by the Cambria a copy of the President's message and the documents accompanying it in relation to Texas and Oregon. These are all which have yet been printed.

You will observe that whilst the President has recommended that the necessary notice shall be given to abrogate the convention, he has carefully avoided to recommend any legislative measure which could, in the mean time, conflict with its provisions; and it is not apprehended that Congress will adopt any such measure.

The message has been well received throughout the country; and its doctrines generally will I think meet the approbation of Congress.

The President sincerely desires to preserve our friendly relations with Great Britain. His policy with that and all other nations is peace; so long as this can be maintained consistently with national rights and honor. The Oregon question is now approaching a crisis. It is hardly probable that the British Government will suffer it to remain upon its present basis; and it is clear that if there should be any new movement towards its adjustment, this must originate with Great Britain. Should that Government take any further step with a view to settle the controversy, the President would judge of the character of the proposition when made; and if, in his opinion, it should be such as to justify this, he would feel inclined to submit it to the Senate for their previous advice, before taking any other action upon it. As the determination on any such proposition might involve the issue of peace or war between the two countries, he would feel it to be his duty to consult his constitutional advisers, before a final decision. I deem it necessary to give you this information, not that you may make any such suggestion to the British Government; but to enable you to regulate wisely your conversation and conduct in the critical position in which you are now placed. What the result might be in the Senate, I cannot anticipate.

[1] MSS. Department of State, Instructions, Great Britain, XV. 283; S. Doc. 489, 29 Cong. 1 Sess. 36; H. Ex. Doc. 105, 29 Cong. 1 Sess. 2 (extract).

The President has received information, from a variety of sources which he cannot disregard, that Great Britain is now making extensive warlike preparations. As her relations with all the Powers of Europe seem at present to be of a peaceful character, the prevailing and natural inference here is, that these preparations look to a rupture with the United States on the Oregon question. It is of vast importance that this Government should, as early as possible, ascertain their true character. You are, therefore, instructed to embrace the first opportunity of bringing this subject to the notice of the Earl of Aberdeen in such a manner as you may deem most expedient. It is true that, on more than one occasion, Mr. Pakenham has informed me in conversation that these warlike preparations had been commenced some time before the existing difficulties between the two countries had assumed their present serious aspect, and had no connection whatever with the Oregon question; but yet it would be satisfactory to receive such an assurance in a more authoritative and authentic form. The President is also anxious to learn your own opinion upon this subject, with the least practicable delay.

I am, &c.,

JAMES BUCHANAN.

LOUIS MCLANE, ESQRE., &c. &c. &c.

TO MR. McLANE.[1]

Private & confidential & not written as Secretary of State.

WASHINGTON 13 December 1845.

MY DEAR SIR/

The message has been better received throughout the Country than any similar communication to Congress in my day. All moderate men are conciliated by our offer of 49°; whilst the fire-eaters are satisfied with its withdrawal & the assertion of our whole claim. This is the feeling which pervades the whole Democratic party & a very large proportion of the Whigs. From my intercourse with members of Congress I do not believe there is the least danger that any thing will be done during the present Session in conflict with the provisions of the existing Treaties. The question has now assumed such an imposing form

[1] Buchanan Papers, Historical Society of Pennsylvania.

as to bring it fairly before the people of the Country: & perhaps the present crisis was necessary to enable them to estimate its magnitude & importance.

I have seen Mr. Pakenham but once since the message. We had some general conversation on the subject of Oregon; but this did not amount to much & it was entirely unofficial. He seemed to be as friendly as formerly; but was more grave in his manner. He repeated the assurance he had given me formerly on the subject of the warlike preparations in Great Britain.

I still entertain a favorable opinion of Mr. Pakenham. He has ever been frank, friendly & manly in all his intercourse with me: & I should be sorry to hear of his recall.

I should this day have been on the bench of the Supreme Court, had it not been for the critical state of our foreign relations. I very much desired this position, because it would have enabled me to spend the remainder of my life in peace. I have now been in the storm during nearly a quarter of a century. Besides, I sincerely wished, if possible, to prevent my name from being even mentioned in connexion with the next Presidency.

Saunders will be sent as minister to Spain & Donaldson to Prussia. The President has not yet determined who shall fill the Russian mission. But these are still secrets. I have presented Mr. Melville's case strongly to the President; but without effect. He does not know where to send him. Carr will not be removed from Constantinople.

Remember me most kindly to Mrs. M'Lane, & believe me ever to be sincerely your friend,

HON: LOUIS M'LANE. JAMES BUCHANAN.

MESSAGE OF PRESIDENT POLK ON A TREATY WITH SAXONY.[1]

WASHINGTON, December 15, 1845.

TO THE SENATE OF THE UNITED STATES:

I herewith communicate to the Senate, for its consideration, a convention signed on the 14th May, of the present year, by the minister of the United States at Berlin, with the minister of Saxony at the same Court, for the mutual abolition of the *droit d'aubaine*, *droit détraction*, and taxes on emigration, between the United States and Saxony. And I communicate with the convention an explanatory dispatch of the minister of the United States, dated on the 14th May, 1845, and numbered 267. JAMES K. POLK.

[1] Senate Executive Journal, VII. 7.

MESSAGE OF PRESIDENT POLK ON A TREATY WITH PRUSSIA.[1]

WASHINGTON, December 16, 1845.

TO THE SENATE OF THE UNITED STATES:

I herewith communicate to the Senate, for its consideration, a convention concluded and signed at Berlin on the 29th day of January, 1845, between the United States and Prussia, together with certain other German States, for the mutual extradition of fugitives from justice in certain cases; and I communicate with the convention the correspondence necessary to explain it.

In submitting this convention to the Senate, I deem it proper to call their attention to the third article, by which it is stipulated that "none of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention."

No such reservation is to be found in our treaties of extradition with Great Britain and France, the only two nations with whom we have concluded such treaties. These provide for the surrender of all persons who are fugitives from justice, without regard to the country to which they may belong. Under this article, if German subjects of any of the parties to the convention should commit crimes within the United States and fly back to their native country from justice, they would not be surrendered. This is clear in regard to all such Germans as shall not have been naturalized under our laws. But even after naturalization difficult and embarrassing questions might arise between the parties. These Germans powers, holding the doctrine of perpetual allegiance, might refuse to surrender German naturalized citizens, whilst we must ever maintain the principle that the rights and duties of such citizens are the same as if they had been born in the United States.

I would also observe that the fourth article of the treaty submitted contains a provision not to be found in our conventions with Great Britain and France.

JAMES K. POLK.

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[1] Senate Executive Journal, VII. 7–8. This message expresses the views held by Mr. Buchanan, as set forth in a memorandum referred to by President Polk in a message to the Senate, July 28, 1848, infra. See, also, Moore on Extradition, I. 160.

TO MR. SLIDELL.[1]

(No. 4.) DEPARTMENT OF STATE,
WASHINGTON, 17th December, 1845.

TO JOHN SLIDELL, ESQUIRE,
&c. &c. &c.

SIR:

From the state of the public Treasury, an immediate draft upon it for six millions of dollars might be honored without inconvenience. Should it become necessary, in the course of your negotiations, you might therefore stipulate to pay this sum in cash, on the exchange of the ratifications of any Treaty which you may conclude with the Mexican Government. From the amount, you will perceive that so large a sum will not be required, unless you can accomplish one of the two alternatives last mentioned in your former instructions. In that event, the balance, if any, could be paid in four equal semi-annual instalments.

I need add nothing to what I have already said, to convince you of the vast importance which the President attaches to the accomplishment of the one or the other of those two last alternatives. Whilst either of them would secure incalculable advantages to this country, Mexico would sustain no injury; at least none for which she would not be more than indemnified by the amount which the United States would be willing to pay for such an adjustment of the boundary between the two countries. Under these circumstances, I need scarcely again urge you to exert all honorable means to accomplish the settlement of this question in the manner thus indicated. If this cannot be effected; or if, after obtaining all the information in your power, you discover that the attempt to effect it would endanger your success in securing the one or the other of the two first objects mentioned in your instructions; then, you are not to sacrifice these in the pursuit of what is unattainable. All is confided to your judgment and discretion.

In your former instructions authorizing you to offer, on the part of this Government, "to assume the payment of all just claims of citizens of the United States against Mexico," I may have used language too general. In framing a Treaty, it is not intended that you shall render the United States liable for any claims which have been rejected by the Commission under the

[1] MSS. Department of State, Instructions, Mexico, XVI. 27.

Convention of April 11th, 1839, or any other claims of such a nature as would not have been embraced within the provisions of the unratified Convention of 20 November, 1843, had they arisen prior to its date. By its provisions the Commissioners are confined to claims "which may lawfully be considered, according to the proofs which shall be presented, the principles of right and justice, the law of nations, and the Treaties between the two Republics." In short, this unratified Convention (with the amendments proposed by the Senate) with the dates therein mentioned so changed as to extend to claims which may have since arisen, down to the present period, constitutes the best rule for determining the extent to which the United States ought to assume the payment of the claims of our citizens against Mexico. I deem it necessary to give you this caution, to prevent difficulties hereafter, and to limit the nature of the claims to be assumed to such as are contemplated by the two Conventions to which I have referred.

I transmit herewith a copy of the President's Message, with the documents relating to Texas and Oregon. These documents are all which have yet been printed. The Message has received an unusual degree of approbation from the people of all political parties in this country.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO MR. HOLMES.[1]

DEPARTMENT OF STATE,
WASHINGTON December 20th 1845.

HON. I. E. HOLMES,
House of Representatives.

SIR:

I have the honor to acknowledge the receipt of your communication of the 18th instant, enclosing a letter from Mr. Joshua Bailey of Charleston, stating that he had purchased the hull of the French Barque Emile, which, having put into that port in distress, had been sold as unfit for service; and that he now wished to obtain American papers for her.

[1] MSS. Department of State, 35 Domestic Letters, 347.

In reply, I have to state, that our laws do not permit American papers to be granted to any vessel in a case like the present. The Act of 26 March, 1810, forbids that any "sea letters, or *other document certifying or proving a vessel to be the property of a citizen*, shall be issued, except to vessels duly registered or enrolled and licensed as vessels of the United States." The requisites to a vessel's being registered, or to her being enrolled and licensed, are defined respectively in the Acts of Decr. 31, 1792, and Feb. 18, 1793.

The only manner in which the object which Mr. Bailey has in view could be effected, would be by a special Act of Congress, authorizing the issuing of papers for his vessel. Of such acts there are many instances in our statute books; and they have generally, if not universally, required as a condition that the cost of the repairs upon the vessel should exceed three fourths of the original cost of building a vessel of the same tonnage in the United States. With a view to sparing you the trouble of looking for them, I have caused a copy to be made of one of these, and it is herewith enclosed. The letter of Mr. Bailey is herewith returned.

I am, &c.,

JAMES BUCHANAN.

TO MR. McKAY.[1]

DEPARTMENT OF STATE,
WASHINGTON, December 20, 1845.

SIR: As the estimates prepared at this department for the service of the ensuing fiscal year, and for the completion of that of the current year, contain items for the contingent expenses of all the missions abroad exceeding the amount of the annual appropriations recently made for that purpose, I have the honor to present to you, for the information of your committee, the accompanying statement showing the amount and the nature of the expenditures contained in the accounts which have been audited at the treasury during the years that terminated on the 30th days of June, 1844 and 1845. It has been compiled from statements furnished by the Fifth Auditor, which have been laid before Congress. Upon referring to those statements, it will be

[1] H. Ex. Doc. 117, 29 Cong. 1 Sess. 2–3.

seen that the accounts embraced in them contain expenses of previous years, some as far back as 1833; and that but a small proportion of them are for the current year. I have caused to be added a recapitulation, showing the amount of those expenditures, and also the amount of the funds which were available for the years ending on the 30th days of June, 1844 and 1845. From this recapitulation it will be seen that the expenditures amounted to $76,301.88, whilst the funds available amounted to $56,031.90; and that, consequently, the former exceeded the latter in the sum of $20,269.98.

The appropriation made at the last session for the expenses of the year which will end on the 30th June, 1846, ($15,000,) will, it is feared, prove insufficient, and the existing deficit will be increased. I have the honor, therefore, to request that instead of $15,000, as estimated for, the appropriation for the contingent expenses of all the missions abroad for the residue of the current fiscal year, including the previous deficit, may be thirty thousand dollars.

I have the honor to be, sir, very respectfully, your obedient servant,

JAMES BUCHANAN.

HON. J. J. MCKAY,
Chairman of the Committee of Ways and Means,
House of Representatives.

MINUTE, DECEMBER 23, 1845,

OF CABINET CONSULTATION.[1]

If Mr. Pakenham inquires if a new proposition made by them would be respectfully considered, I would refer him to the correspondence—your last note of the 30th August, and say it has been at your option, with a perfect liberty to propose any proposition you thought proper, and you had no reason to conclude from what had occurred here that the Government would not have treated such a proposition with respectful consideration when made. You have made no new proposition, and the question, therefore, stands on its present attitude.

December 23, 1845.—I took down the foregoing from the lips of the President, in the presence of the cabinet.

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[1] Curtis's Buchanan, I. 555.

FROM MR. PAKENHAM.[1]

WASHINGTON, December 27, 1845.

An attentive consideration of the present state of affairs, with reference to the Oregon question, has determined the British government to instruct the undersigned, her Britannic Majesty's envoy extraordinary and minister plenipotentiary, again to represent in pressing terms to the government of the United States the expediency of referring the whole question of an equitable division of that territory to the arbitration of some friendly sovereign or State.

Her Majesty's government deeply regret the failure of all their efforts to effect a friendly settlement of the conflicting claims by direct negotiation between the two governments.

They are still persuaded that great advantages would have resulted to both parties from such a mode of settlement, had it been practicable; but there are difficulties now in the way in that course of proceeding which it might be tedious to remove, while the importance of an early settlement seems to become at each moment more urgent.

Under these circumstances, her Majesty's government think that a resort to arbitration is the most prudent, and perhaps the only feasible step which could be taken, and the best calculated to allay the existing effervescence of popular feeling, which might otherwise greatly embarrass the efforts of both governments to preserve a friendly understanding between the two countries.

The government of the United States will see in the proposal, which the undersigned is thus instructed to make, a proof of the confidence of the British government in the justice of their own claim. They will also see in it a proof of the readiness of the British government to incur the risk of a great sacrifice for the preservation of peace, and of their friendly relations with the United States. It is made in a spirit of moderation and fairness, of which the world will judge.

The British government confidently hope that the government of the United States will not reject a proposal made with such a friendly intention, and for a purpose so holy.

There is nothing in it, they are convinced, not perfectly compatible with the strictest regard for the honor and just interests of both parties, particularly when it is considered of what small value to either is the portion of territory which in reality forms the subject of controversy, compared with the importance of preserving a state of peace and good will between two such nations.

The undersigned takes advantage of this opportunity to renew to the Hon. James Buchanan the assurance of his high consideration.

R. PAKENHAM.

HON. JAMES BUCHANAN, &c., &c.

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[1] S. Doc. 117, 29 Cong. 1 Sess. 4–5; H. Ex. Doc. 105, 29 Cong. 1 Sess. 4–5.

INTERVIEW, DECEMBER 27, 1845,

WITH THE BRITISH MINISTER.[1]

On Saturday afternoon, 27th of December, 1845, Mr. Pakenham called at the Department of State. After some brief preliminary conversation on other topics, he informed me that he had received instructions from his government relative to the Oregon question; without at the time informing me what they were. He then proceeded to express his desire that I should recall the withdrawal of our offer to settle the Oregon question by the 49th parallel of latitude, and suffer the negotiation to proceed on that basis, expressing the belief that it might then result in a satisfactory manner. I informed him that he had made one proposition to Mr. Calhoun, which had been rejected; that I had made a proposition which had been rejected by him and then withdrawn; that the whole negotiation had been submitted to Congress with the President's message; and after all this, it was too late to expect that the President would now retrace his steps. That what had been done must be considered as done.

He then said that if he were now to make a new proposition, he had no means of knowing whether it would be accepted: if he made a proposition it might be rejected.

I replied that the whole field was open to him, as it had been in the beginning; that it was as free to him as it had been to him at first, or was to me afterwards, to make any proposition he thought proper; that all I could say was that any proposition he might make would be respectfully considered by the President; but I said no more.

He then observed that as I was not willing to go further (as I understood him), he would, under his instructions, present me the offer of the British government to arbitrate the question. He said it was drawn up chiefly in the very language of Lord Aberdeen.

I then received the communication from him and read it over carefully. As soon as I had completed its perusal, he urged its acceptance strongly; expressed his great desire for the preservation of peace between the two countries, and said that it was impossible that war should grow out of such a question between two great nations. He said he was not worth much in the world;

[1] Curtis's Buchanan, I. 555. The memorandum of this interview is in Mr. Buchanan's handwriting.

but would give half what he was worth to see the question honorably and amicably adjusted between the two nations.

I stated the strong desire, both on the part of the President and myself, that the question might be amicably and honorably adjusted. That we had every disposition that this result might be attained. I observed, however, that if ever this was accomplished, I thought it must be by negotiation, and not by arbitration; and especially such an arbitration as he proposed. That both the President and myself were firmly convinced of the validity of our title up to 54° 40′; and yet his proposition to arbitrate assumed the right to a portion of the territory on the part of Great Britain, and left it to the arbitrator alone to decide in what manner the territory should be divided between the parties. That this alone, I thought, would be a sufficient reason for the rejection of his proposition, even if others did not exist, of which he must be aware from our previous conversations on the subject; but I would consult the President, and give him an answer with as little delay as possible. He intimated rather than expressed a wish that his answer might be communicated to him in time for the packet (Monday). I told him that a proper respect for the British government required that the answer should be well considered; that the cabinet would not meet again before Tuesday, and I could not encourage him to expect the answer before Saturday next. He said he had no doubt my answer would be well considered. He hoped that in it I would not assert a claim to the whole territory, and Saturday next would be in time.

He then branched off, and said that the proposition was to refer the question to a state as well as a sovereign; he said that this had been done on purpose to get clear of the objection to crowned heads. I asked him to whom he thought it might be referred if not to a sovereign. He suggested the Republic of Switzerland, or the government of Hamburg or Bremen. I told him that whilst my own inclinations were strongly against arbitration; if I were compelled to select an arbitrator, it would be the Pope. That both nations were heretics, and the Pope would be impartial. This he appeared at first to take seriously,—he said the Pope was a temporal sovereign; but I thought he was disinclined to select him as an arbitrator. He perceived, however, that I was not in earnest, and suggested that the reference might be made to commissioners from both countries. I told him I thought it was vain to think of arbitration; because, even if the President were agreed to it, which I felt pretty certain he was not,

no such treaty could pass the Senate. That the pursuit of arbitration would only involve the question in new difficulties. He then suggested the mediation of a third power in the adjustment of the question. I told him that was an idea which he had never suggested before, and on which I could say nothing. He observed that this, together with his suggestion of commissioners, came from himself and had not been embraced in his instructions. He said that a mediator who would interfere might share the fate of the man who interfered between two other men who were fighting, when both fell upon him and gave him a sound drubbing.

He remarked that the affair might remain just where it was, and the British government would not disturb it. He did not entertain serious apprehensions of war.

He then told me that he had met Judge Douglas at Mr. Cox's party the other evening, and had a good deal of conversation with him about his bill.

He objected to a promise of a grant of lands to actual settlers in Oregon, and to the erection of forts by the Government within it, as violations of the treaty. I told him I had formed no decided opinion as to the promise of grants of land; but as to the forts, it was very clear, in my opinion, that we had a right to erect them. We did not purpose to erect fortifications capable of enduring a siege in civilized warfare; but merely stockade forts to protect our emigrants from the savages. That the Hudson's Bay Company had erected many such forts, and we surely had the right under the treaty to do what they had done. He observed that the settlers might do this themselves as the Company had done. I replied that they were too poor; that this Company had the entire government in its hands; and surely we might do what they had done. I observed that this was ever the way with Great Britain, she was always fettered by monopolies; and if it were not for the Company they would at once give us our rights to the whole country up to 54° 40′. He said that the Hudson's Bay Company had rights in Oregon which must be protected; but I understood him to admit that they did interpose an obstacle in the way of the settlement of the question. He said the British government would be glad to get clear of the question on almost any terms; that they did not care if the arbitrator should award the whole territory to us. They would yield it without a murmur. I said I had no doubt of this. They never played the part of the fox; but always of the lion. They would preserve their faith inviolate. He said they wished for

peace; but intimated that this was not our wish. I asked him why we should desire war. Would not their superiority at sea give them command of the coasts of Oregon. Yes, he said, that was true, but the war would not be confined to that region. That he would willingly make a bargain to fight it out with us there, if we would agree to that.

TO MR. McLANE.[1]

(No. 21.) DEPARTMENT OF STATE,
WASHINGTON, 29th Decr., 1845.

SIR: I have the honor to acknowledge the receipt of your despatches to No. 24, inclusive.

The Senate having unanimously, as I am informed, confirmed your appointment as Envoy Extraordinary and Minister Plenipotentiary of the United States of America at the Court of the United Kingdom of Great Britain and Ireland, I now transmit to you your commission in that character.

You were correct in supposing that the British Government would again offer to refer the Oregon question to some friendly Power. On Saturday last, Mr. Pakenham delivered me a communication making an offer to refer this question, of which I transmit you a copy. You will not fail to observe that he does not propose a reference of the title to the whole territory, but merely the subject of "an equitable division" of it between the parties. It is strange that such a proposition should have been submitted by the British Government in the face of the President's claim to the whole territory, after it had been so recently enforced in the most solemn manner by my letter of the 30th of August last withdrawing our proposition for a compromise by the 49th parallel of latitude. To accept the proposition, under such circumstances, would be for the President to admit that he had committed an error in asserting the American title to the whole territory and to acknowledge in the very submission of the question to the arbitrator that Great Britain had a right to

[1] MSS. Department of State, Instructions, Great Britain, XV. 285; S. Doc. 489, 29 Cong. 1 Sess. 37. See extracts from a despatch of Mr. McLane, No. 30, January 3, 1846, S. Doc. 117, 29 Cong. 1 Sess. 2, as to the military preparations of the British government.

a portion of it, and that his functions should be confined to an "equitable division" of it between the parties. In this respect, the present proposition is unlike the former offer of the British Government, which was a general proposition to arbitrate. If no other reason existed for declining the proposition, this would be deemed sufficient by the President. You may, therefore, consider it certain that it will be rejected. I presume that the British Government could not have anticipated a different result; and from my conversation upon the subject with Mr. Pakenham, on Saturday last, he will doubtless undeceive them, if they had any expectation that his offer would be accepted.

I am, Sir, with great respect,

Your obedient servant,

JAMES BUCHANAN.

LOUIS MCLANE, ESQRE., &c. &c. &c.

1846.

TO MR. LEGGETT.[1]

DEPARTMENT OF STATE

WASHINGTON January 2nd 1846.

SIR: I have to acknowledge the receipt of your letter of the 29th ultimo. It is the desire and intention of the Executive to effect as speedily as possible an adjustment of the complaints of citizens of the United States against the Mexican Government. The adjustment, when made, will probably provide for the claims generally and impartially. Whether it will include your case, I cannot state in advance. When concluded it will be duly made public for the information of the parties interested.

It is presumed, that, under existing circumstances, it is not expected by you, that the President will take into consideration the propriety of recommending that your demands should be paid out of the National treasury.

I am, &c.,

JAMES BUCHANAN.

AARON LEGGETT, ESQ., NEW YORK.

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[1] MSS. Department of State, 35 Domestic Letters, 353; H. Ex. Doc. 83, 30 Cong. 1 Sess. 51.

TO MR. PAKENHAM.[1]

DEPARTMENT OF STATE,
WASHINGTON, 3d Jan., 1846.

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Pakenham, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, dated the 27th ultimo, by which, under instructions from his Government, he proposes to the Government of the United States "the expediency of referring the whole question of an equitable division of that (the Oregon) territory to the arbitration of some friendly Sovereign or State."

The Undersigned has submitted this note to the President, who, after having bestowed upon it that respectful consideration so eminently due to any proposition emanating from the British Government, has instructed him to give to it the following answer:

The British Government do not propose to refer to arbitration the question of the title to the Oregon territory, claimed by the two Powers, respectively. It is a proposition to refer to a friendly Sovereign or State, merely the partition or "equitable division" of that territory between the parties. It assumes the fact that the title of Great Britain to a portion of the territory is valid, and thus takes for granted the very question in dispute. Under this proposition, the very terms of the submission would contain an express acknowledgment of the right of Great Britain to a portion of the territory, and would necessarily preclude the United States from claiming the whole before the arbitrator. This, too, in the face of the note of the Undersigned to Mr. Pakenham of the 30th August last, by which the President had asserted, in the most solemn form, the title of the United States to the whole territory. Even if there were not other conclusive reasons for declining the proposition, this alone would be deemed sufficient by the President.

The President heartily concurs with the British Government in their regret that all attempts to settle the Oregon question by negotiation have hitherto failed. He cannot, however, concur with that Government in the opinion that a resort to arbitration, and especially to an arbitration on the terms proposed, would be

[1] MSS. Department of State, Notes to Great Britain, VII. 128; S. Doc. 117, 29 Cong. 1 Sess. 5; H. Ex. Doc. 106, 29 Cong. 1 Sess. 5.

followed by happier consequences. On the contrary, he believes that any attempt to refer this question to a third Power would only involve it in new difficulties.

In declining this proposition, the President refers to the sentiment expressed in the note of the Undersigned of the 30th August last, to which allusion has already been made, that he "cherishes the hope that this long-pending controversy may yet be finally adjusted in such a manner as not to disturb the peace or interrupt the harmony now so happily subsisting between the two nations."

The Undersigned avails himself of this occasion to renew to Mr. Pakenham assurances of his distinguished consideration.

JAMES BUCHANAN.

RIGHT HONBLE. RICHARD PAKENHAM, &c., &c., &c.

TO MR. JONES.[1]

DEPARTMENT OF STATE,
WASHINGTON January 9th 1846.

ANTHONY S. JONES ESQ.
Newburyport, Mass.

SIR:

Your letter of the 6th instant has been received, stating that the family of Dr. Gilbert Watson contemplate removing to Oregon, and wish a passport. In reply, I have to state, that passports are issued to citizens of the United States, only in case of their going to foreign countries, and never when they purpose to pass from one port of the United States to another.

Nevertheless, as it may be their purpose to go round by sea, and as they may in the course of their voyage be placed under the necessity of landing in foreign countries, I have caused a passport to be made out for them, stating that they are about to embark for the North West Coast of America, without specifying Oregon as the place of their destination.

I am &c.

JAMES BUCHANAN.

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[1] MSS. Department of State, 35 Domestic Letters, 363. The purport of this letter is substantially repeated in letters to Wm. K. Kilborn, Newburyport, Mass., Feb. 3, 1846; Gustavus A. Swasey, Newburyport, Mass., Feb. 9, 1846; George C. Lawton, Waltham, Mass., Feb. 9, 1846; and Charles R. Bishop, Newburyport, Mass., Feb. 14, 1846: id. 387, 390, 398, 407.

TO M. PAGEOT.[1]

DEPARTMENT OF STATE,
WASHINGTON, 16th Jany., 1846.

MR. ALPHONSE PAGEOT.
&c., &c., &c.

SIR:

I have the honor to acknowledge the receipt of your note of the 9th ultimo, referring to a previous letter of the 2d October last, in which you ask that I should furnish you with copies of the different documents with which merchant vessels of the United States are furnished, the possession of which is deemed necessary by the French Government to their "naval force stationed on the coast of Africa, in the execution of the mission confided to it," and has chiefly in view "to assure to the American flag the respect which is due to it."

The uniform and well known opposition made by this Government to the claim of any nation to visit or to search our merchant vessels on the ocean, in time of peace, renders it difficult for me to perceive in what manner the possession of these documents, by the French Government, could be necessary to assure respect to the American flag; yet so strong is my disposition to comply with any request proceeding from that Government, that I should not have hesitated in granting it, as an act of friendship and courtesy, had there not been other obstacles in the way. These I have had the honor of presenting to you in conversation, and the attempt to overcome them has been, as you are aware, the only reason of my long delay in answering your note of the 9th October last. I rely upon your kindness to make this known, in an acceptable manner, to your Government.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration.

JAMES BUCHANAN.

FROM MR. PAKENHAM.[2]

WASHINGTON, January 16, 1846.

With an anxious desire to contribute, by every means in his power, to a satisfactory conclusion of the question pending between the two governments respecting Oregon, the undersigned, her Britannic Majesty's envoy

[1] MSS. Department of State, Notes to French Legation, VI. 92.
[2] S. Doc. 117, 29 Cong. 1 Sess. 6; H. Ex. Doc. 105, 29 Cong. 1 Sess. 6.

extraordinary and minister plenipotentiary, has reflected on the contents of the note addressed to him on the 3d instant by the Secretary of State of the United States, in answer to that which the undersigned had the honor to address to him on the 27th of last month.

The note of the undersigned proposed to the government of the United States that the whole question of an equitable partition of the Oregon territory should be referred to the arbitration of some friendly sovereign or State.

In his answer, the Secretary of State informed the undersigned that his proposition could not be accepted; that it did not propose to refer to arbitration the question of title to the Oregon territory, claimed by the two powers respectively. That in proposing to refer to a friendly sovereign or State merely the partition or equitable division of the territory between the parties, it assumes the fact that the title of Great Britain to a portion of the territory is valid, and thus takes for granted the very question in dispute. That under this proposition the very terms of the submission would contain an express acknowledgment of the right of Great Britain to a portion of the territory, and would necessarily preclude the United States from claiming the whole territory before the arbitrator; and this, too, the Secretary of State goes on to observe, in the face of his note to the undersigned of 30th August, by which the President had asserted, in the most solemn form, the title of the United States to the whole territory.

It is not the purpose of the undersigned, in the present note, to renew the discussion as to the title of either party (Great Britain or the United States) to the whole or to any part of the Oregon territory. He must, however, beg leave, with reference to the observation which he has just quoted, to remind the United States Secretary of State, that if the government of the United States have formally advanced a claim to the whole of the Oregon territory, it is no less certain that Great Britain has, in a manner equally formal, declared that she, too, has rights in the Oregon territory incompatible with the exclusive claim advanced by the United States.

This declaration, arising from a conviction equally sincere, will, the undersigned is persuaded, be viewed with the same consideration by the government of the United States as they expect that their own declaration should receive at the hands of the government of Great Britain.

This premised, the object of the undersigned in addressing to Mr. Buchanan the present communication is to ascertain from him whether, supposing the British government to entertain no objection to such a course, it would suit the views of the United States government to refer to arbitration, not (as has already been proposed) the question of an equitable partition of the territory, but the question of title in either of the two powers to the whole territory; subject, of course, to the condition, that if neither should be found, in the opinion of the arbitrator, to possess a complete title to the whole territory, there should, in that case, be assigned to each that portion of territory which would, in the opinion of the arbitrating power, be called for by a just appreciation of the respective claims of each.

The undersigned has suggested a reference, on the above principle, to some friendly sovereign or State.

This the undersigned believes to be the course usually followed in such cases: it is that which has already been resorted to by the two governments,

(and more than once.) But there may be other forms of arbitration, perhaps more agreeable to the government of the United States.

There might be, for instance, a mixed commission, with an umpire, appointed by common consent, or there might be a board composed of the most distinguished civilians and jurists of the time, appointed in such a manner as should bring all pending questions to the decision of the most enlightened, impartial, and independent minds.

In the present position of affairs, and feeling how much the interests of both countries require an early as well as an amicable and satisfactory adjustment of existing difficulties, the undersigned earnestly invites the Secretary of State to take the subject of this note into consideration, with a view to such an arrangement, on the principle of arbitration, as may seem to the government of the United States, to be most just, wise, and expedient.

The undersigned takes advantage of this opportunity to renew to the Hon. James Buchanan the assurance of his high consideration.

R. Pakenham.

Hon. James Buchanan, &c. &c. &c.

TO MR. LARRABEE.[1]

Department of State,
Washington 20th January 1846.

Charles H. Larrabee Esq.
Chicago,
Illinois.

Sir:

I have duly received your note of the 6th instant, and have to inform you in reply, that the forcible abduction &c. of James W. Grogan, in September, 1841, by a party of armed men from Canada, formed the subject of a correspondence between this Department and the British Minister at Washington, soon after the outrage took place.[2] The case was particularly alluded to in the President's annual message to Congress of the seventh of December of that year. The papers relating to the subject were at the same time communicated to that body, and subsequently published. You will see on referring to the printed correspondence that the "very proper and prompt manner in which Her Britannic Majesty's Government in England, as well as her Canadian Authorities, acted in the case," was duly acknowledged by the President's direction, and that the measures adopted by

[1] MSS. Department of State, 35 Domestic Letters, 372.

[2] See, as to Grogan's case, Moore on Extradition, I. §189, p. 282.

them,—viz., the release of Grogan and his restoration to the State of Vermont—seem to have proved perfectly satisfactory to this Government. It does not appear that any evidence has been presented to this Department of losses or pecuniary damages in any shape having been sustained by him on the occasion referred to; nor that any claim requiring such evidence was ever preferred by him. It is to be remarked, however, that in a letter under date October 12th, 1841, addressed to the Hon. Daniel Webster, then Secretary of State, by his Excellency S. H. Jennison, Govr. of Vermont, the following passage occurs: "It appears that since these depositions were taken, the Authorities of Canada have returned Grogan to this State, and it is said that the Canadian Government have satisfied him for all personal injuries and wrongs which he has suffered."

I am &c. JAMES BUCHANAN.

TO MR. SLIDELL.[1]

(No. 5.) DEPARTMENT OF STATE,
WASHINGTON, January 20th, 1846.

JOHN SLIDELL, ESQUIRE, &c. &c. &c.

SIR:

I have the honor to transmit herewith your Commission as Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Mexican Republic, under the appointment made by the President by and with the advice and consent of the Senate.

Your despatches Nos. 2 & 3 under date, respectively, the 30th November and 17th December, have been received; and I shall await the arrival of others by the Porpoise, with much solicitude. Should the Mexican Government, by finally refusing to receive you, consummate the act of folly and bad faith of which they have afforded such strong indications, nothing will then remain for this Government but to take the redress of the wrongs of its citizens into its own hands.

In the event of such a refusal, the course which you have determined to pursue is the proper one. You ought, in your own

[1] MSS. Department of State, Instructions, Mexico, XVI. 29; Curtis's Buchanan, I. 595. This instruction, except the last paragraph, is also given in S. Doc. 337, 29 Cong. 1 Sess. 44; H. Ex. Doc. 196, 29 Cong. 1 Sess. 44; H. Ex. Doc. 60, 30 Cong. 1 Sess. 53.

language, so to conduct yourself as to throw the whole odium of the failure of the negotiation upon the Mexican Government; point out, in the most temperate manner, the inevitable consequences of so unheard of a violation of all the usages which govern the intercourse between civilized nations, and declare your intention to remain in Mexico until you can receive instructions adapted to the exigencies of the case. This sojourn will afford you an honorable opportunity to watch the course of events and avail yourself of any favorable circumstances which, in the mean time, may occur. Should a revolution have taken place before the first of January, the day appointed for the meeting of Congress, an event which you deemed probable; or should a change of ministry have been effected, which you considered almost certain; this delay will enable you to ascertain the views and wishes of the new Government or administration. The desire of the President is, that you should conduct yourself with such wisdom and firmness in the crisis, that the voice of the American people shall be unanimous in favor of redressing the wrongs of our much injured and long suffering claimants.

It would seem to be the desire of the Mexican Government to evade the redress of the real injuries of our citizens, by confining the negotiation to the adjustment of a pecuniary indemnity for its imaginary rights over Texas. This cannot be tolerated. The two subjects must proceed hand in hand. They can never be separated. It is evidently with the view of thus limiting the negotiation, that the Mexican authorities have been quibbling about the form of your credentials; without ever asking whether you had instructions and full powers to adjust the Texan boundary. The advice of the Council of Government seems to have been dictated by the same spirit. They do not advise the Mexican Government to refuse to receive you; but, assuming the fact that the government had agreed to receive a Plenipotentiary to treat upon the subject of Texas alone, they infer that it is not bound to receive an Envoy Extraordinary and Minister Plenipotentiary without this limitation.

In the mean time the President, in anticipation of the final refusal of the Mexican Government to receive you, has ordered the army of Texas to advance and take position on the left bank of the Rio Grande, and has directed that a strong fleet shall be immediately assembled in the Gulph of Mexico. He will thus be prepared to act with vigor and promptitude the moment that Congress shall give him the authority.

This despatch will not be transmitted to you by the Mississippi. That vessel will be detained at Pensacola for the purpose of conveying to you instructions with the least possible delay after we shall have heard from you by the Porpoise; and of bringing you home, in case this shall become necessary.

By your despatch No. 2, written at Vera Cruz, you ask for an explanation of my instructions relative to the claim of Texas on that portion of New Mexico east of the Del Norte; and you state the manner in which you propose to treat the subject in the absence of any such explanation. I need say nothing in relation to your inquiry; but merely to state that you have taken the proper view of the question, and that the course which you intend to pursue, meets the approbation of the President.

Yours, very respectfully,

JAMES BUCHANAN.

MESSAGE OF PRESIDENT POLK

ON A TREATY WITH THE TWO SICILIES.[1]

WASHINGTON, January 28, 1846.

TO THE SENATE OF THE UNITED STATES:

I herewith communicate to the Senate, for its consideration with regard to its ratification, a treaty of commerce and navigation between the United States and the Kingdom of the Two Sicilies, concluded and signed on the 1st day of December last at Naples by the chargé d'affaires of the United States with the plenipotentiaries of His Majesty the King of the Kingdom of the Two Sicilies.

And I communicate at the same time portions of the correspondence (so far as it has been received) in explanation of the treaty.

JAMES K. POLK.

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[1] Senate Executive Journal, VII. 39.

TO MR. SLIDELL.[1]

No. 6. DEPARTMENT OF STATE,
WASHINGTON, 28th January, 1846.

To JOHN SLIDELL, ESQUIRE, &c. &c. &c.

SIR:

Your despatches dated the 27th and 29th December, last, (erroneously numbered 2 and 3, instead of 3 and 4,) were received at this Department on the 23d instant.

After a careful and critical examination of their contents, the President entirely approves your conduct. The exposure contained in your reply to the Mexican Minister for Foreign Affairs of the evasions and subterfuges of his Government in excuse of their refusal to recognise you as an Envoy Extraordinary and Minister Plenipotentiary of the United States, is so complete, as to leave nothing for me to add upon the subject. It is now, however, morally certain that the insurrection of Paredes has proved successful, and that a new administration of some kind or other at this moment controls that unfortunate country.

The question arises therefore what course you should pursue in this contingency. In my despatch of the 20th instant, I have already anticipated nearly all that it is necessary to say in answer to this question. The President is sincerely desirous to preserve peace with Mexico. Both inclination and policy dictate this course. Should the Mexican Government, however, finally refuse to receive you, the cup of forbearance will then have been exhausted. Nothing can remain but to take the redress of the injuries to our citizens and the insults to our Government into our own hands. In view of this serious alternative, every honorable effort should be made before a final rupture. You should wait patiently for a final decision on the question of your reception, unless it should be unreasonably protracted or you should clearly discover that they are trifling with this Government. It is impossible for any person not upon the spot and conversant with the motives and movements of the revolutionary Government now most probably existing in Mexico, to give you precise instructions how long your forbearance ought to continue. Much must necessarily be left to your own discretion. In general

[1] MSS. Department of State, Instructions, Mexico, XVI. 32; H. Ex. Doc. 196, 29 Cong. 1 Sess. 46; H. Ex. Doc. 60, 30 Cong. 1 Sess. 54; S. Doc. 337, 29 Cong. 1 Sess. 46.

terms, I may say, that you should take care to act with such prudence and firmness that it may appear manifest to the people of the United States and to the world that a rupture could not be honorably avoided. After this, should the Mexican Government finally refuse to receive you, then demand passports from the proper authority and return to the United States. It will then become the duty of the President to submit the whole case to Congress and call upon the nation to assert its just rights and avenge its injured honor.

In addition to the naval force already in the Gulph, the Frigates Cumberland, Potomac and Raritan have been ordered to rendezvous before Vera Cruz as speedily as possible. Should war become inevitable, the President will be prepared to conduct it with vigor.

In my despatch to you of the 17th December, last, I have anticipated the instructions which you ask relative to such claims of citizens of the United States against Mexico as ought to be assumed by this Government in the Treaty which you are authorized to conclude with that Republic. As the instructions referred to are clear and precise in this particular, it is not deemed necessary to repeat them in this despatch. The description of those claims contained in the unratified Convention of the 20th November, 1843, will be your guide. It is due to the claimants to proceed thus far, and to the Government to proceed no further. The two Governments were agreed under the Convention upon the character of the claims which were to form the subject of stipulation, the amendments proposed by the Senate of the United States not having interfered with this part of the Treaty. Claims of the same character against Mexico which have arisen since the date of the Convention, would of course be included in the assumption.

I transmit to you according to your request, a full power embracing authority to treat of all claims of the Government and citizens of Mexico against the United States; though I am not aware that any such justly exist. Should any be presented, in the course of your negotiations, whether arising from Commodore Jones' occupation of Monterey or any other cause, you will not fail to give them a careful and thorough examination.

Your request for instructions relative to the mortgage stipulations entered into by the Government of Mexico with their foreign creditors on the proceeds of the public lands in California, New Mexico, Chihuahua, Senora and Tamaulipas, presents a

subject of considerable difficulty. To attempt, however, to obtain the previous consent of these creditors, would be almost certainly to defeat your negotiation. I can devise no other mode of obviating this difficulty than that of withholding for their benefit the payment of a part of the stipulated sum until their release can be obtained, should Mexico agree to such a stipulation in the Treaty. But you may ask, should Mexico refuse her consent to such an arrangement, what is then to be done? If no other alternative remains but either to fail in the negotiation or to accept such a title as Mexico can convey, then conclude the treaty upon the terms authorized by your original instructions, without reference to the alleged mortgage. In that event, we must leave for future arrangement the claims, if any such justly exist, of the foreign creditors of Mexico. A great measure of public policy must not be defeated by an attempt previously to adjust the pecuniary claims of these creditors.

In the documents accompanying the President's Message, which have been already transmitted to you, (page 87) you will find copies of all the papers in this Department relative to the negotiation between Mexico and Texas in regard to the acknowledgment by the former of the independence of the latter.

The cypher of the Department is, in compliance with your request, herewith transmitted.

In conclusion, there is one portion of your despatch of the 27th ultimo on which I shall make a single remark. You seem to consider it indispensable before the commencement of any negotiation with the Mexican Government, that there should be an unqualified retraction of the note of Mr. Peña y Peña to you of the 20th ultimo. This might be a necessary preliminary, if there had been no change of Government. But in the present probable condition of affairs, under a new and entirely distinct Government, and not merely a change of administration, such a retraction, however desirable, ought not to interpose an insuperable obstacle to negotiation.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO MR. McLANE.[1]

(No. 22.) DEPARTMENT OF STATE,
WASHINGTON, 29th Jany., 1846.

SIR: Your despatches to number thirty-one, inclusive, have been duly received at this Department. Having already communicated to you a copy of Mr. Pakenham's note of the 27th of December last, proposing to arbitrate the Oregon question, I now enclose herewith a transcript of my reply to that note, dated on the 3d instant.

On the 17th instant, Mr. Pakenham called at the Department, and delivered me a note of which I transmit you a copy, renewing his proposition to arbitrate, but changing the terms. This note has not yet been answered. This delay has been occasioned, not by any doubt as to the propriety of rejecting the proposition, but from a desire, before preparing my answer, to ascertain the impression which had been made on the British Ministry and People by the President's message and the accompanying correspondence. I had anticipated a visit from Mr. Pakenham soon after the arrival of the Hibernia, but he has not since called at the Department.

Mr. Pakenham's last proposition to arbitrate is liable to the same objection which was prominently presented in my answer to the first. It is true that he now proposes to refer to arbitration "the question of title in either of the two Powers to the whole territory;" but yet, annexed to this offer, there is a condition, "that if neither should be found, in the opinion of the arbitrator, to possess a complete title to the whole territory," that then he shall divide it between them "according to a just appreciation of the respective claims of each." If the Government of the United States should consent to an arbitration upon such terms, this would be construed into an intimation, if not a direct invitation, to the arbitrator, to divide the territory between the parties. Were it possible for this Government, under any circumstances, to refer the question to arbitration, the title, and the title alone, detached from every other consideration, ought to be the only question submitted. If not confined to this single point, we should have another compromising award like that of the King of the Netherlands.

But arbitration, in any form, is out of the question.

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[1] MSS. Department of State, Instructions, Great Britain, XV. 296. Printed, with the omission of one sentence, in S. Doc. 489, 29 Cong. 1 Sess. 37.

The title of the United States to the vast territory on the Northwest Coast of America, with all its commercial advantages, can never be placed in jeopardy by referring it to the decision of any individual, whether Sovereign, citizen, or subject. To Great Britain it would be a distant possession, of comparatively small value, and which, from the nature of things, she cannot very long enjoy; but to the United States it is invaluable. Whilst arbitration is, therefore, out of the question, it is probable that, under the peculiar circumstances of the case, and from an anxious desire to preserve peace, the Senate, if the question were submitted to them, might advise the President not to insist upon the full extent of our rights; but we could never place it in the power of any arbitrator to deprive us of a foot of the soil on the continent south of the 49th parallel of latitude, and of the valuable harbors of Puget's Sound. Such is the fixed determination of the President.

Again, even if this were not the case, and a treaty should be submitted to the Senate for arbitration, it could not, by any possibility, obtain the necessary majority in that body.

Upon the whole, the pursuit of arbitration by the British Government can produce no other effect than to involve the question in new difficulties, and, perhaps, by the delay, render an amicable adjustment of it impossible. The fact is not to be disguised that the feeling of the country is becoming daily more unanimous and intense in favor of asserting our right to the whole territory; and the debates in Congress and their delay to act in accordance with the recommendations of the President only serve to increase the popular excitement. Resolutions of State Conventions and State Legislatures are now in succession being adopted in favor of adhering to the line of 54° 40′. If the British Government intend to make a proposition to this Government, they have not an hour to lose, if they desire a peaceful termination of the controversy.

Notwithstanding all you may have seen in the public papers, the notice, unless I am greatly mistaken, will pass Congress, in some form or other, by large majorities of both Houses, as well as the other measures recommended by the President.

There is one fact which, in your discretion, might cautiously and informally be made known to the British Government. The President will never abandon the position he has taken in his message. Clearly convinced of the right of the United States to the whole territory in dispute, and relieved by the refusal of the

British Government to accept his offer of compromise, from the embarrassment in which the acts of his predecessors had placed him, he would not now authorize the conclusion of a treaty on that basis. But the Senate, his constitutional advisers, are now in session. The question of peace or war may be involved in the issue. They are a branch of the war-making as well as of the treaty-making power. In deference to the Senate, under these circumstances, he would, in the first instance, feel it to be his duty to submit such a proposition for their previous advice. It is manifest, therefore, that the British Government should at once present their ultimatum. If Mr. Pakenham should offer less, in the hope that, having thus recommenced the negotiation, he might, in its progress, induce me to say what the President would consent to accept, he must be disappointed. The President will accept nothing less than the whole territory, unless the Senate should otherwise determine. The only question which he will decide is, whether the new proposition, should any such be made, be of a character to justify its submission to the Senate for their previous advice.

I repeat that, under all the circumstances by which you may be surrounded, it is left to your sound discretion whether any such communication or intimation shall be made to Lord Aberdeen.

JAMES BUCHANAN.

LOUIS MCLANE, ESQRE., &c. &c. &c.

TO THE PRESIDENT.[1]

DEPARTMENT OF STATE,
WASHINGTON 2nd February 1846.

The Secretary of State to whom has been referred the Resolution of the House of Representatives, of the 19th of December last, requesting the President to communicate to that body "copies of any correspondence, not in his opinion incompatible with the public interest, which may have taken place, if any, between this Government and Great Britain, within the last two years, in relation to the Washington Treaty, and par-

[1] This report was transmitted by President Polk to the House of Representatives, February 9, 1846, and is printed in H. Ex. Doc. 10, 29 Cong. 1 Sess. 1–2. It is recorded in MS. Report Book, VI. 167.

ticularly in relation to the free navigation of the River St. John's, and in relation to the Disputed Territory Fund named in said Treaty; and also to communicate any information in his possession relating to said Disputed Territory Fund or the free navigation of the said River St. John's," has the honor to report to the President the accompanying copies of documents filed in this Department, which embrace the correspondence and information referred to in the above cited resolution.

Respectfully submitted.

JAMES BUCHANAN.

TO THE PRESIDENT OF THE UNITED STATES.

MESSAGE OF PRESIDENT POLK

ON A TREATY WITH BELGIUM.[1]

[February 3, 1846.]

TO THE SENATE OF THE UNITED STATES:

I herewith communicate to the Senate, for its consideration in reference to its ratification, a treaty of commerce and navigation between the United States and Belgium, concluded and signed on the 10th November last at Brussels by the chargé d'affaires of the United States with the minister of foreign affairs of His Majesty the King of the Belgians.

And I communicate at the same time the correspondence and other papers in explanation of the treaty.

JAMES K. POLK.

WASHINGTON, February 3, 1846.

TO MR. McKAY.[2]

DEPARTMENT OF STATE,
WASHINGTON 3rd February, 1846.

HON: JAMES J. McKAY,
Chairman of the Committee of
Ways and Means, H. Reps.

SIR:

In the 13th Article and 8th Section of the Constitution of Texas, it is provided, that, "the Legislature shall adopt such measures as may be required to cede to the United States, at the

[1] Senate Executive Journal, VII. 42.

[2] MSS. Department of State, 35 Domestic Letters, 387.

proper time, all public edifices, fortifications, barracks, ports, harbors, navy and navy-yards, docks, magazines, arms and armaments, and all other property and means pertaining to the public defence, now belonging to the Republic of Texas, and to make the necessary preparations for transferring to the said United States all custom-houses and other places for the collection of impost duties and other foreign Revenues."

It has now become necessary to send a Commissioner to Texas to receive this property, and take care that it shall be properly ceded to the United States, according to the spirit and terms of the joint resolution for annexing Texas to the Union. An Inventory will, of course, be necessary. He will receive precise instructions, under which all the care possible will be taken that he shall satisfactorily and economically perform his duties. But no appropriation exists, out of which he can be paid; and the object of this note is to request that you will propose a resolution to enable the President to perform this duty. It is impossible beforehand to make an exact estimate of the expense which may be incurred. This may be considerable, in receiving the transfer of the public property and delivering it to the appropriate agents of the Treasury, War, and Navy Departments; though I should suppose that an appropriation of three thousand dollars would prove sufficient.

I am &c.

JAMES BUCHANAN.

TO MR. PAKENHAM.[1]

DEPARTMENT OF STATE,
WASHINGTON, 4th Feby., 1846.

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Pakenham, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, dated on the 16th ultimo, by which he again proposes a reference of the Oregon question to arbitration. Under his present proposition the powers of the arbitrator would not, as in his last, be limited in terms to the division of the territory between the parties, but would extend to the question of their conflicting titles. There is, however, a condition an-

[1] MSS. Department of State, Notes to Great Britain, VII. 130; S. Doc. 117, 29 Cong. 1 Sess. 8; H. Ex. Doc. 105, 29 Cong. 1 Sess. 8.

nexed to this offer which exposes it to the same objection, in point of fact, if not in form, which was prominently presented in the answer of the Undersigned to Mr. Pakenham's last proposal. This condition is, "that if neither [party] should be found, in the opinion of the arbitrator, to possess a complete title to the whole territory, there should, in that case, be assigned to each that portion of territory which would, in the opinion of the arbitrating power, be called for by a just appreciation of the respective claims of each." If the Government of the United States should consent to an arbitration upon such a condition, this might, and probably would, be construed into an intimation, if not a direct invitation, to the arbitrator to divide the territory between the parties. Were it possible for the President, under any circumstances, to consent to refer the subject to arbitration, the title, and the title alone, detached from every other consideration, is the only question which could be submitted. If not confined to a single point, so strong is the natural disposition of arbitrators to please both parties, that, in almost every instance, whether of national or individual controversies, they make a compromising award. We have a memorable example of this in our late arbitration with Great Britain. Notwithstanding that the arbitrator, under the terms of the submission, was clearly and explicitly confined to the decision which was the line of highlands described in the treaty of peace of 1783, yet instead of pursuing any range of highlands whatever, he advised that the line should run along the bed of a river, and actually divided the territory in dispute between the parties by "the middle of the deepest channel of the St. Johns."

The Undersigned might content himself, in answer to the present proposition, with a reference to the observations contained in his last note to Mr. Pakenham, of the 3d ultimo. In that, it was plainly intimated not only that there are "other conclusive reasons for declining the proposition," independently of the one which had been prominently stated; but it was expressly asserted as the belief of the President, "that any attempt to refer this question to a third Power would only involve it in new difficulties."

The Undersigned will, however, proceed to state a single reason, which, apart from the intrinsic difficulty of selecting a suitable arbitrator, as well as other considerations that might be adduced, is conclusive on the mind of the President against a reference of this question to arbitration, in any form which can

be devised, no matter what may be the character of the arbitrator —whether sovereign, citizen, or subject. This reason is that he does not believe the territorial rights of this nation to be a proper subject for arbitration. It may be true that, under peculiar circumstances, if the interest at stake were comparatively small, and if both parties stood upon an equal footing, there might be no insuperable objection to such a course. But what is the extent of territory in dispute on the present occasion? It embraces nearly thirteen degrees of latitude along the northwest coast of the Pacific, and stretches eastward to the summit of the Rocky Mountains. Within its limits several powerful and prosperous States of the Union may be embraced. It lies contiguous, on this continent, to the acknowledged territory of the United States; and is destined, at no distant day, to be peopled by our citizens. This territory presents the avenue through which the commerce of our western States can be profitably conducted with Asia and the western coasts of this continent, and its ports the only harbors belonging to the United States to which our numerous whalers and other vessels in that region can resort. And yet, vast as are its dimensions, it contains not a single safe and commodious harbor from its southern extremity until we approach the 49th parallel of latitude.

It is far from the intention of the Undersigned again to open the discussion of the conflicting claims of the two Powers to the Oregon territory. It is sufficient for him to state the continued conviction of the President that the United States hold the best title in existence to the whole of this territory. Under this conviction he cannot consent to jeopard for his country all the great interests involved, and by any possibility, however remote, to deprive the Republic of all the good harbors on the coast, by referring the question to arbitration.

Neither is the territory in dispute of equal or nearly equal value to the two Powers. Whilst it is invaluable to the United States, it is of comparatively small importance to Great Britain. To her, Oregon would be but a distant colonial possession of doubtful value, and which, from the natural progress of human events, she would not probably long enough enjoy to derive from it essential benefits; whilst to the United States it would become an integral and essential portion of the Republic. The gain to Great Britain, she would never sensibly feel; whilst the loss to the United States would be irreparable.

The Undersigned is perfectly aware that such considerations

can have no bearing upon the question of the title of either party. They are presented solely for the purpose of explaining the views of the President in his refusal to adopt any measure which should withdraw our title from the control of the Government and People of the United States, and place it within the discretion of any arbitrator, no matter how intelligent and respectable.

The President cordially concurs with the Government of Great Britain in desiring that the present controversy may be amicably adjusted. Of this he has given the strongest proof before the whole world. He believes that as there are no two nations on the earth more closely bound together by the ties of commerce, so there are none who ought to be more able or willing to do each other justice, without the interposition of any arbitrator.

The Undersigned avails himself of this occasion to renew to Mr. Pakenham the assurance of his high consideration.

JAMES BUCHANAN.

RIGHT HONBLE. RICHARD PAKENHAM,
&c. &c. &c.

TO THE PRESIDENT.[1]

DEPARTMENT OF STATE,
WASHINGTON, February 5, 1846.

The Secretary of State, to whom has been referred a resolution of the Senate of the 29th of January last, requesting the President "to communicate to the Senate any correspondence which may have taken place between the government of the United States and that of England, or its ministers, or between the government of the United States and ministers of the United States abroad, on the subject of Oregon, since the last communication of the President, so far as, in his judgment, such communication may be made without prejudice to the public interests," has the honor to lay before the President the accompanying papers.

All which is respectfully submitted.

JAMES BUCHANAN.

THE PRESIDENT OF THE UNITED STATES.

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[1] S. Doc. 117, 29 Cong. 1 Sess. 2; H. Ex. Doc. 105, 29 Cong. 1 Sess. 2.

REPORT ON THE COUNTRY WEST OF THE ROCKY MOUNTAINS.[1]

DEPARTMENT OF STATE,
WASHINGTON, February 5, 1846.

The Secretary of State, to whom has been referred a resolution of the House of Representatives of the 3d instant, requesting the President to communicate to that House "so far as, in his opinion, is not incompatible with the public interest, all correspondence which has passed between the government of Great Britain and this government, or by or between any of the officers of said government, in relation to the country west of the Rocky mountains, since the last annual message of the President to this House," has the honor to lay before the President the accompanying papers.

All of which is respectfully submitted.

JAMES BUCHANAN.

THE PRESIDENT OF THE UNITED STATES.

TO MR. HARRISON.[2]

DEPARTMENT OF STATE,
WASHINGTON Feby. 11, 1846.

R. M. HARRISON ESQRE.
U. S. Consul Kingston Ja.

SIR,

I have received your letter of the 15th January, referring to the employment of black and brown men in American Vessels arriving at Jamaica on their way to New Orleans and other Southern ports & suggesting certain difficulties experienced by you respecting their discharge, in consequence of the existence of laws in the State of Louisiana & other Southern States, prohibiting the introduction of free colored persons on board of Ships or otherwise.

You state that you have instructed your Agents to refuse their consent to any discharge in opposition to the laws of the

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[1] This report was transmitted by President Polk to the House of Representatives, February 7, 1846, and is printed in H. Ex. Doc. 105, 29 Cong. 1 Sess. 2.

[2] MSS. Department of State, Despatches to Consuls, XII. 170.

United States for the Government of Consuls &c. abroad, whether the Seamen to be so discharged be black or white. In so doing you have perfectly discharged your official duty. You will make this rule peremptory and inform the Masters of Vessels that you are instructed to report to this Department every instance of infraction of the law, in order that instructions may be given to institute legal proceedings against them on their return to the U. States.

In regard to the 2d point on which you request to be instructed, I have to state that you must in no instance send a black or colored mariner to a port in any state, the laws of which prohibit their coming. Where the law is not absolutely prohibitory, but only in the nature of a police regulation, requiring black & colored men to be confined during their stay, if the black or colored person give his free consent to go to such port & the Captain of the Vessel his free consent to take him, he may be sent there, with a certificate from the Consul of the U. States stating the circumstances under which he is sent.

I am &c.

JAMES BUCHANAN.

TO THE PRESIDENT.[1]

DEPARTMENT OF STATE,
WASHINGTON 17th February 1846.

The Secretary of State, to whom has been referred a Resolution of the Senate, of the 10th instant, requesting the President to "communicate to the Senate, if not incompatible, in his opinion, with the public interests, a copy of the communication dated 17th October, 1845, from the Agent of the United States at Mexico, relative to the payment of the fourth and fifth instalments of the Mexican indemnity, which is referred to in his last annual message as having been 'received at the State Department on the 9th November last;' and also all information in his possession relative to the said instalments, and to the payment of the said indemnity, not communicated with his message to the Senate of the 3rd February 1845, or received since that time: also all

[1] S. Doc. 151, 29 Cong. 1 Sess. 1; H. Ex. Doc. 133, 29 Cong. 1 Sess. 1; MS. Report Book, VI. 170. This report was transmitted to the Senate and to the House by President Polk with his special message of February 18, 1846, S. Doc. 151, 29 Cong. 1 Sess. 1; H. Ex. Doc. 133, 29 Cong. 1 Sess.

proceedings of the State and Treasury Departments in relation to the collection and payment of the said indemnity not heretofore communicated," has the honor to lay before the President the accompanying papers.

All which is respectfully submitted.

JAMES BUCHANAN.

TO THE PRESIDENT OF THE UNITED STATES.

TO BARON VON GEROLT.[1]

DEPARTMENT OF STATE,
WASHINGTON, 25th February, 1846.

BARON VON GEROLT,
&c., &c., Prussia.

SIR:

I have the honor to acknowledge the receipt of your note of the 8th ultimo, presenting the views which have caused you to be instructed by your Government, with the consent and approbation of the German States associated with it, to propose to the Government of the United States, "that the existing Treaty of May 1, 1828, between Prussia and the United States, be extended to all the States of the Zoll-Verein, which have not as yet concluded Treaties with the United States; and that the duration of the said Treaty, which is, by its 15th Article, already subject to be discontinued, be prolonged to a suitable period."

The subject having received the consideration of the President, I am instructed by him to inform you that he accepts, with pleasure, this proposition of your Government, which he regards as one well calculated to promote the welfare of the countries to which it relates; and that he will duly appoint a person to negotiate for this object, with the Plenipotentiary of Prussia. I am directed, at the same time, to suggest that the power which your Government may give for concluding such a Convention be not limited to the literal adoption of the provisions of the existing Treaty; but that it be so framed as to admit of such modifications of those provisions, or such additions thereto, as may be deemed by both parties conducive to the special object now in view.

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[1] MSS. Department of State, Notes to German States, VI. 127.

I avail myself of this occasion to offer to you renewed assurances of my distinguished consideration.

JAMES BUCHANAN.

TO MR. McLANE.[1]

(No. 23.) DEPARTMENT OF STATE,
WASHINGTON, 26th Feby., 1846.

SIR: Your despatches to No. 34, inclusive, have been received and laid before the President.

I transmit, herewith, a copy of my answer, under date of the 4th instant, to Mr. Pakenham's last proposition to submit the Oregon question to arbitration.

Independently of the reason prominently presented in my reply, that the President "does not believe the territorial rights of this nation to be a proper subject for arbitration," there are other powerful reasons against such a course, which might have been stated, had it been deemed proper in a communication to the British Minister. These you can use as occasion may require.

In the first place, without pretending to know the opinions of individual Senators, I hazard but little in asserting, that no treaty for arbitration could obtain the constitutional majority of the Senate necessary to its ratification. Several of the Senators who might assent to a compromise upon the parallel of 49° would not be willing to jeopard by arbitration the possession of the harbors on Admiralty Inlet and Puget's Sound, south of that parallel. Indeed, for commercial purposes, the United States might almost as well abandon the whole territory as consent to deprive themselves of these harbors; because south of them, within its limits, no good harbor exists. The rejection of such a treaty by the Senate would involve the question in far greater embarrassments than exist at present, and would render its amicable adjustment still more difficult.

2. But even if such a treaty were now ratified by both Powers, the process towards a final termination of the controversy would be exceedingly slow. Experience has taught us this truth. The necessary delay in selecting the arbitrators—in organizing the board—in submitting the proofs and arguments of the parties—would probably postpone the final award for

[1] MSS. Department of State, Instructions to Great Britain, XV. 299. Printed with some inaccuracies in S. Doc. 489, 29 Cong. 1 Sess. 40.

several years. Meanwhile, the tide of emigration from the United States to Oregon would be constantly swelling; and the danger of collisions between British subjects and American citizens in that territory would be constantly increasing. In my opinion, in order to secure a peaceful, there must be a prompt, settlement of this controversy. There never was a question in which delay will prove more dangerous.

3. I shall merely advert to the difficulty of selecting suitable arbitrators. There would be objections to any of the Sovereigns of Europe on account of their intimate connexion with Great Britain; and objections equally strong against committing such vast territorial rights to the arbitrament of individuals.

It was for these and other considerations which might be stated, that, in the spirit of frankness and friendship, the intention of the President to decline the proposition of arbitration, should it be offered, was early made known to the British Government, in unofficial conversations between Lord Aberdeen and yourself, at London, and Mr. Pakenham and myself, in this city. That Government must therefore have anticipated the result of its propositions to arbitrate, before they were presented.

It appears that, in your interview with the Earl of Aberdeen, on the 29th ultimo, His Lordship complained of the terms and manner in which I had declined to accept Mr. Pakenham's first proposition to arbitrate; and "apprehended that, from the nature of the answer, and the character of the recent debate in the House of Representatives, it would be difficult to prevent the conclusion that the President had determined to discourage any new proposition on the basis of compromise, and to concede nothing of the extreme demand."

The view of this subject presented by you to His Lordship is the correct one. My answer was not intended either to encourage or discourage a renewal of the negotiation. The President has at all times been prepared to receive and to treat with the utmost respect any proposal for a compromise which might emanate from the British Government. Whilst he has not deemed it proper to invite such a proposal, he has ever manifested an anxious desire to preserve amicable relations with Great Britain. To accomplish this purpose he would sacrifice every consideration except the national rights and the national honor. Lord Aberdeen has drawn an inference from my language of which it is not, in my opinion, fairly susceptible. Of this he will be fully sensible upon perusing the concluding paragraph of

my answer to the second proposal of Mr. Pakenham for arbitration. It is there declared that "the President cordially concurs with the Government of Great Britain in desiring that the present controversy may be amicably adjusted. Of this he has given the strongest proof before the whole world. He believes that, as there are no two nations on the earth more closely bound together by the ties of commerce, so there are none who ought to be more able or willing to do each other justice, without the interposition of an arbitrator."

As a friend of peace with Great Britain, the President regrets that Lord Aberdeen should have determined to withdraw his opposition to the preparation of armaments, "founded upon the contingency of war with the United States." Should a fleet of "thirty sail of the line, besides steamers and other vessels of war," be equipped and appear on our coasts, such a demonstration, as you well know, would set this country in a blaze. So far from intimidating the American People, the idea that it was intended to operate upon their fears would arouse the national indignation to such a degree as to render any compromise of the question altogether hopeless. If Lord Aberdeen be, as I do not doubt he is, sincerely the friend of peace, he will reconsider his determination.

You strongly express the opinion, notwithstanding the existing difficulties, "that it would be in my [your] power, without any improper commitment of the President, to lead to a renewal of the negotiation by this [the British] Government, and to the submission, unless another mode would be more desirable, through its Minister at Washington, of a proposition adopting that directed by the President on the 12th July last, with some modifications not inconsistent, according to the sense I [you] entertain of it, with our national honor. Of this I [you] should feel quite certain if I [you] could officially know that the proposition would probably be acceptable at Washington."

The concluding paragraph of my despatch to you, of the 20th ultimo (No. 22) which you will have received shortly after making this suggestion, is perhaps sufficient to indicate the course which the President would pursue, in case such an offer should be made through the British Minister at Washington.

The President, since the date of his message, has seen no cause to change his opinion, either in regard to our title to Oregon or to the manner in which it ought to be asserted. But the Federal Constitution has made the Senate, to a certain extent,

a coördinate branch of the treaty-making power. Without their advice and consent, no treaty can be concluded. This power could not be entrusted to wiser or better hands. Besides, in their legislative character, they constitute a portion of the war-making, as in their executive capacity they compose a part of the treaty-making power. They are the representatives of the sovereign States of this Union, and are regarded as the best index of the opinion of their constituents. A rejection of the British ultimatum might probably lead to war, and as a branch of the legislative power, it would be incumbent upon them to authorize the necessary preparations to render this war successful. Under these considerations, the President, in deference to the Senate, and to the true theory of the constitutional responsibilities of the different branches of the Government, will forego his own opinions so far as to submit to that body any proposition which may be made by the British Government, not, in his judgment, wholly inconsistent with the rights and honor of the country. Neither is the fact to be disguised that, from the speeches and proceedings in the Senate, it is probable that a proposition to adjust the Oregon question on the parallel of 49° would receive their favorable consideration.

But it is necessary to be more explicit. In your despatch you have presented three propositions, either of which you believe the British Government would be willing to make, for the adjustment of the controversy; and you express "a strong conviction that the mode first indicated is entirely practicable." The first would offer an adjustment of the question on the basis of the President's proposition of the 12th July last, "but conceding to the Hudson's Bay Company a continuance of the privileges of joint occupation, including the navigation of the Columbia for a period of seven or ten years longer." The proposition made by the President to which you refer was, "that the Oregon territory shall be divided between the two countries by the forty-ninth parallel of north latitude, from the Rocky Mountains to the Pacific Ocean; offering at the same time to make free to Great Britain any port or ports on Vancouver's Island, south of this parallel, which the British Government may desire."

The President would feel no hesitation in presenting to the Senate, for their previous "advice and consent," this proposition, modified according to your suggestion.

It is necessary, however, that there should be a clear understanding of what is meant by "a continuance of the privileges of

joint occupation." If this be understood as securing to the Hudson's Bay Company, during that limited period, no more than the privilege of enjoying all their existing establishments, together with that of hunting, fishing, and trading with the Indians, and using the harbors and rivers south of the parallel of 49°, this would not prevent the President from submitting such a proposition to the Senate. Of course similar privileges would be extended to American citizens north of 49°, if there be any such north of that parallel, which is doubtful. But no concession could be made to this company which would, in the meantime, deprive the United States of the power to establish a territorial Government over the whole country south of 49°, and to make grants of land south of this parallel. The President cannot, however, anticipate any possible change of circumstances which would induce him to submit such a proposition, if it should contain a surrender to Great Britain of the perpetual right to navigate the Columbia. A grant of the free navigation of the St. Lawrence to the United States would be no equivalent for such a concession. Indeed this has become comparatively valueless, in consequence of the construction of the railroads and canals leading to the harbors of New York and Boston, which have rendered these the great channels of import and export for the region within the United States watered by the St. Lawrence and its tributaries.

The President is desirous so to adjust the Oregon question as not to leave open any source from which might proceed new difficulties and new dangers, again to threaten the peace of the two countries. If the free navigation of the Columbia were granted to Great Britain, this would become a perpetual cause of strife and collision between the citizens and subjects of the two countries. It would be almost impossible, by any vigilance which could be exerted, to execute their respective revenue laws and prevent smuggling on either side of the river. Besides, there are several portages around the falls and rapids of this river and its branches, the use of which would be necessary to the enjoyment of its free navigation. This would introduce the subjects of Great Britain, with their merchandise, into the heart of the country, and thus greatly increase the mischief beyond what it would be if they were confined to the channel of the river. To estimate the evils which would attend such a concession, we have but to imagine what would have been the consequences had the British Government succeeded in securing

for its subjects the free navigation of the Mississippi from its source to its outlet in the Gulf of Mexico.

The President would also consent, though with reluctance, to submit to the Senate the second proposition suggested by you, dividing the territory in dispute between the two countries, "by extending the boundary to the Pacific by the forty-ninth parallel and the Strait of Fuca"; but without the superadded words "with free ports to both nations." These words are indefinite, and he cannot infer from them the extent of your meaning. In case the first proposition to which you refer should be made by the British Government, the President would not object to the terms of his offer of the 12th July last, "to make free to Great Britain any port or ports on Vancouver's Island south of this parallel, which the British Government may desire." If the cap of this island should, however, be surrendered to Great Britain, as would be the case under the second proposition, then he would consider the question in regard to free ports as terminated. I need not enlarge to you upon the inconvenience, not to say impossibility, under our system of Government, after one or more States shall have been established in Oregon, (an event not far distant,) of making any of their ports free to Great Britain or any other nation. Besides, our system of drawbacks secures to other nations the material advantages of free ports without their inconveniences.

There is one point which it is necessary to guard, whether the first or the second proposition should be submitted by the British Government. The Strait of Fuca is an arm of the sea, and under the public law all nations would possess the same right to navigate it, throughout its whole extent, as they now have to the navigation of the British Channel. Still, to prevent future difficulties, this ought to be clearly and distinctly understood. It is rendered the more necessary when we recollect that the Russian Government, not many years ago, asserted a claim to the exclusive navigation of the Northern Pacific Ocean, between its Asiatic and American territories, on the principle that it was "a close sea"!

From what I have said, you will perceive that the third proposition to which you refer would not meet the approbation of the President, even to the extent of submitting it to the Senate.

Thus, I have presented a frank and unreserved exposition of the views of the President on this important subject. To what extent you should communicate them to Lord Aberdeen is left

entirely to your own discretion. The President relies with implicit confidence on your sound judgment, prudence, and patriotism.

I am, Sir, respectfully, Your obedient servant,

JAMES BUCHANAN.

LOUIS MCLANE, ESQRE., &c., &c., &c.

TO MR. McLANE.[1]

(No. 24.) DEPARTMENT OF STATE.

WASHINGTON, Feby. 26, 1846.

SIR: My despatch (No. 17) of the 27th November last has informed you of the arrangement made by Mr. Pakenham and myself for the adjustment of the claims of the two Governments on each other for the refunding of duties levied in violation of the commercial convention of 1815. Under the terms proposed by the British Government and accepted by the President, "each Government shall forego all claims to arrears of interest on the sums which may be found respectively due; and that with this explicit agreement, these sums, having been first clearly ascertained to the satisfaction of both Governments, which shall mutually afford every facility for that object, shall be forthwith paid by each Government to the other for distribution to the claimants," &c.

No difficulty exists in specifying the claim of the United States under this arrangement. It is confined to the excess of duties levied by the British Government on rough rice, and the amount has, I believe, in each case, been already ascertained. This might be refunded by that Government to the claimants without delay. This claim, it will be recollected, is some years older than the British claim.

On the other hand, three months have already elapsed since the arrangement was made, and Mr. Pakenham has not yet been enabled to specify a single claim on this Government, nor even to designate the "like articles" on which an excess of duties has been levied in violation of the convention.

Whilst our claim is of a more ancient date, it is believed to be much larger in amount than that of the British.

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[1] MSS. Department of State, Instructions, Great Britain, XV. 286; H. Ex. Doc. 38, 30 Cong. 1 Sess. 16.

The delay has been altogether on the side of Great Britain; and it is impossible to foresee how long this may continue.

Under these circumstances, I have suggested to Mr. Pakenham the propriety of recommending to his Government that it should, without further delay, pay to the claimants themselves the excess of duties levied on rough rice; whilst I assured him that the President would, as soon as the papers could be prepared, ask Congress for an appropriation to refund to the claimants the excess of duties which, in violation of the convention, had been levied under the tariff act of 1842.

Mr. Pakenham has yielded to my suggestion, and informs me that he has recommended to Lord Aberdeen its adoption, in a letter, by the packet which will convey the communication.

It would evidently be more convenient for both Governments if the amount due to the several claimants were paid directly to themselves by the respective Governments, than if a gross amount should be transmitted by each to the other, to be distributed among these claimants.

Permit me to request that your earnest and immediate attention be given to this subject. The South Carolina claimants are exceedingly pressing; and this is not strange, considering the long delay which they have experienced in obtaining their due. The British Government surely cannot entertain a doubt but that the arrangement will be executed in good faith by the United States, so soon as the claims on this Government shall be presented and properly verified.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

LOUIS MCLANE, ESQRE., &c., &c., &c.

TO LOUIS McLANE.[1]

Private.

WASHINGTON 26 February 1846.

MY DEAR SIR/

The brief space left to me before the departure of our messenger to Boston shall be devoted to writing you a private letter from James Buchanan to Louis M'Lane, without any official character, direct or indirect.

And first I would suggest to you the propriety of regularly acknowledging the receipt of Despatches from the Department, as it does in regard to your Despatches. In yours by the Cambria, the receipt of mine of the 29th December is not acknowledged: and the President's private letter to you of that date, he fears has miscarried. He feels confident that you could not have received it before the date of your conversation with Lord Aberdeen. Of this I am not quite so certain; as you may have desired something official & more explicit.

By my Despatch you will be made distinctly acquainted with the ground which the President has determined to maintain on the Oregon question; and I do not perceive, after what has passed, how he could do more than submit a British proposition based on the parallel of 49 to the Senate. From all I can learn, there is not the least doubt but that either of the two propositions specified in my Despatch would receive the previous sanction of a constitutional majority of that Body. I say *the previous sanction*, for reasons which I have not the time to give you.

All that I apprehend is that the B. G. in their offer may insist on the perpetual free navigation of the Columbia. This would indeed be truly embarrassing; and all your diplomacy should be exerted to prevent it. The President would not present such a proposition to the Senate, unless he should greatly change his mind; and if he should, I do not believe that two thirds of that Body would give it their sanction.

I am convinced that the Oregon question is rapidly reaching that point when it must, if ever, be peacefully settled. Although what I have said to you of the present disposition of the Senate is strictly true, it is uncertain how long this may continue. Public opinion, on this subject, is far in advance of Congress. I am

[1] Buchanan Papers, Historical Society of Pennsylvania. This letter is printed, with omissions, and under the erroneous date of 1845, in Curtis's Buchanan, I. 558.

convinced that if the question should remain open until the Congressional elections next fall, this would be clearly evinced. I am quite certain that such would prove to be the case in every Congressional District in Pennsylvania west of the Schuylkill. In Great Britain they form their judgment of popular opinion from what they see in the Newspapers, chiefly Whig, of our large Commercial Cities. This you know to be a mistake. The Commercial interest which, in a great degree, controls these papers has a direct interest in the preservation of peace, and especially with Great Britain. The strong & irresistible public opinion throughout the vast interior of our Country which controls the action of the Government is but little, if at all affected by the considerations which influence the mercantile Community. General Cass & Mr. Allen—who are both Candidates for popular favor, the one immediately & the other prospectively, will not consent to accept of the parallel of 49°. The two Senators from Indiana, the two from Illinois, & one from Missouri (not Colonel Benton) occupy the same ground.

Mr. Calhoun, from a variety of circumstances, came to the Senate with a flush of popularity which might have rendered him highly useful both to himself & to his Country; but already it is nearly all gone. He at once took open & bold ground against the notice & propagated his opinions with that degree of zeal which belongs to his character. He succeeded in inducing a small number of Democrats in the House, chiefly Virginians, to vote against the notice; and such is now the weight of public opinion, in its favor, that it is said he would vote for it himself, but for the awkward dilemma in which this would place his friends in the House. The truth is that the discreet friends of peace clearly perceive that the question must be settled peaceably within the year, or war may be the consequence. In some form or other it will pass the Senate by a large majority; & many anticipate an almost unanimous vote. I do not believe this.—I have always liked Mr. Calhoun very much & am truly sorry that he did not adopt a wiser course. He might have been the great man of our party in the Senate. Colonel Benton's conduct & speech on the Oregon question are entitled to warm commendation.

Your son Robert is winning laurels for himself in the Maryland Legislature. He is indeed a fine fellow & is a worthy chip of the old block.

I have for years been anxious to obtain a seat on the bench

of the Supreme Court. This has been several times within my power; but circumstances have always prevented me from accepting the offered boon. I cannot desert the President, at the present moment, against his protestations. If the Oregon question should not be speedily settled, the vacancy must be filled; and then farewell to my wishes.

Romulus M. Saunders has been confirmed by the Senate as minister to Spain. Donelson will be nominate to Prussia. Who may succeed Colonel Tod at St. Petersburg is uncertain. But I find that my time has almost expired.

Please to remember me, in the kindest terms, to Mrs. M'Lane, & believe me as ever to be sincerely and respectfully your friend,

JAMES BUCHANAN.

HON: LOUIS M'LANE.

TO MR. HARRISON.[1]

DEPARTMENT OF STATE,
WASHINGTON Feb. 28, 1846.

R. M. HARRISON ESQRE.
U. S. C. Kingston Ja.

SIR,

Your letter of the 15th of January last, relating to the case of Capt. Frisbee of the Brig "Energy" of New York, arrested at Montego Bay, and committed to prison by the Magistrates of that Town, on a charge of Piracy for abducting and carrying away from the Island of Jamaica, in 1837, two colored British Subjects, has been received.

The humane exertions made by you in his behalf, and to secure to him the professional aid requisite to the vindication of his innocence, entitle you to the acknowledgments of the Department. No power, however, is vested in me to authorize any expenditure on public account, for legal services, to American Citizens who may be prosecuted in foreign Countries, for alleged violations of their laws. I am under the necessity, therefore, of informing you that no expense that may be incurred for this object can be allowed on the settlement of your Consular Accounts. As it appears from your communication that a sale of

[1] MSS. Department of State, Despatches to Consuls, XII. 174.

a portion of Capt. Frisbee's cargo, if permitted by the Authorities of Jamaica, would supply him with pecuniary means, it is advisable that you should obtain from himself the repayment of whatever amount you may have expended in your zealous and praiseworthy efforts to befriend him.

I am Sir &c.

JAMES BUCHANAN.

TO GENERAL ALVEAR.[1]

DEPARTMENT OF STATE,
WASHINGTON, March 4, 1846.

SIR:

I have the honor to acknowledge the receipt of your note of the 15th of December last, accompanied by a copy of a Decree passed by the Government of the Argentine Confederation in honor of the memory of General Jackson, upon receiving intelligence of his decease.

Your communication having been laid before the President, I am instructed by him to express to you the very high sense which he entertains of this proof of respect on the part of the Argentine Government for a citizen of the United States so honored and beloved by his country as General Jackson was, and whose memory is now held in such deep reverence by the nation. It is the President's wish that you convey to your Government the assurance that the friendly sentiments manifested by it upon this occasion are justly appreciated and very cordially reciprocated.

I have the honor to be, Sir, with great consideration,
Your obedient servant,

JAMES BUCHANAN.

TO THE BRIGADIER GENERAL DON CARLOS DE ALVEAR,
&c. &c. &c.

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[1] MSS. Department of State, Notes to the Argentine Republic, VI. 18.

TO MR. ROCKWELL.[1]

DEPARTMENT OF STATE,
WASHINGTON March 4th, 1846.

HON: JOHN A. ROCKWELL
Committee of Claims
House of Representatives.

SIR:

Your letter of the 16th ultimo was duly received, informing this Department of the desire of the Committee of Claims "to be furnished with such papers, or copies thereof, as throw any light upon the *causes* of the seizure of the Brig Albert by order of an American Consul in South America, or that will show the *liability* of the Government for damages in consequence of such seizure. Also, that will show the *amount* of *damages* sustained in consequence of such seizure;" and also to be informed "under what circumstances, by law, and by the instructions of the State Department, may American Vessels be seized by American Consuls; and in what cases are their owners entitled to compensation for damages, either from the Department, or from the justice of Congress."

All the papers received at this Department, from the United States Consul at Bahia de San Salvador, bearing upon the case of the Brig "Albert" having been transmitted to the District Attorney of the United States at Philadelphia, to which port the said Brig was sent, for adjudication, it has not been in my power to furnish them sooner.

I now have the honor to transmit to you the originals of all the papers received from the Consul relating to the case of the "Albert," and also copies of the letters from the Department to the District Attorney at Philadelphia, together with that officer's replies. These will place the Committee in possession of all the information in the Department upon the subject.

The circumstances connected with the seizure of this Vessel are fully set forth in these papers; and it appears by the letter of the District Attorney of the 27th ultimo, to which the particular attention of the Committee is invited, that although the libel was dismissed, the Court certified that there was reasonable cause for the seizure.

In reply to the general inquiry presented in your letter, I

[1] MSS. Department of State, Report Book, VI. 172.

have to state, that although the Consular Instructions contain the following provision, to wit: "Art. 35. Where piracy, mutiny, or any other offence, against the laws of the United States, shall have been committed on board of any Vessel of the United States, coming into the Consular District, it is the duty of the Consul, after taking the deposition necessary to establish the facts, to apply to the local authorities for means of securing the *offenders* while they remain in port, and to provide the means of sending them, without delay, to the United States for trial;" yet those Instructions do not contain any thing upon the subject of the seizure of American Vessels in foreign Countries, whether under the charge of piracy or of other offences.

The course which the Consul at Bahia deemed it his duty to adopt in the present case will, however, be seen to find ample warrant in the following principle laid down by our Supreme Court:

"At common law, *any person may, at his peril, seize for a forfeiture to the Government;* and if the Government adopt his seizure, and the property is condemned, he will be completely justified. And it is not necessary, to sustain the seizure, or justify the condemnation, that the party seizing shall be entitled to any part of the forfeiture." (Gelston vs. Hoyt, 3 Wheaton, 246.)

The Court subsequently say "if the action" (against the person who has made the seizure) "be commenced after a decree of condemnation, or after an acquittal, and there be a certificate of reasonable cause of seizure, then, in the former case by the general law, and in the latter case by the special enactment of the Statute of the 25th April, 1810, ch. 64, 3, 1.,[1] the decree and certificate are each good bars to the action. But if there be a decree of acquittal and a denial of such certificate, then the seizure is established conclusively to be tortious, and the party is entitled to his full damages for the injury."

In a later case, (The Apollon, 9 Wheaton, 362.) the Supreme Court, after stating the rule "in cases of capture jure belli," proceed, in regard to the case before them (which was one of seizure for supposed infraction of the Revenue laws,) to say, "But the case is far different in respect to municipal seizures. Probable cause has never been supposed to excuse any

[1] This reference is erroneous. No such Act is to be found in any edition of the Laws. It is to be presumed that the Act of Feb. 24th, 1807, was the one intended.

seizure, except where some statute creates and defines the exemption from damages. The party who seizes, seizes at his peril; if condemnation follows, he is justified; if an acquittal, then he must refund in damages for the marine tort, unless he can shelter himself behind the protection of some statute. The very act under which the present seizure is sought to be justified, contains an express provision on the subject, and shows the clear opinion of the Legislature. It declares in the eighty ninth section, 'that when any prosecution shall be commenced, on account of the seizure of any Ship or Vessel, goods, &c., and judgment shall be given for the claimant, &c., if it shall appear to the Court, before whom such prosecution shall be tried, that there was reasonable cause of seizure, the said Court shall cause a proper certificate, or entry, to be made thereof; and in such case the claimant, &c., shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor, be liable to action, suit, or judgment, on account of such seizure or prosecution.' By a subsequent act, (act of the 24th of February, 1807, ch. 74.) the like provision is extended to all seizures 'under any act of Congress authorizing such seizures.'"

In the present case, the Brig Albert was seized by the Consul at Bahia "for an infraction of the laws of the United States regarding the foreign African Slave Trade;" in virtue of which laws a forfeiture of the Vessel employed in violation of their provisions is incurred. Agreeably therefore to the common law principle laid down by the Supreme Court, "any person" might, "at his peril," have made the seizure "for a forfeiture to the Government" in this instance.

It is true, that, from the nature of the case in which this principle was laid down, it must be considered as having been stated with reference to seizures made within the jurisdiction of the United States; whereas the seizure of the "Albert" took place within the territory of a foreign power. But this fact does not affect the rightfulness of a seizure, so far as regards the individuals intrusted, or any of the parties to the case except the Foreign Power within whose territory the seizure was made. For, even when a foreign territorial jurisdiction had been violated in the seizure of an American Vessel, and this seizure had been the means of bringing her within reach of the process of the United States Courts, it has been decided by our Supreme Court, in affirming the condemnation of a Vessel so seized, that the offence thereby committed against the foreign power did not

invalidate the proceedings against the Vessel. (Ship Richmond, 9 Cranch, 102.) In the present case, however, there was no violation of the foreign territorial jurisdiction; the seizure having been made under the authority of the President of the Province, in compliance with the request of the American Consul.

In a word, whenever there is an act of Congress attaching the forfeiture of a vessel to any circumstances connected with her, in every such case by the operation of the common law principle affirmed by the Supreme Court, the Statute subjecting the vessel to forfeiture does, by this very fact, subject her also to seizure by any person who may "at his peril" see fit to bring the case before a competent Court for adjudication. Consequently, every such act is, to use the words of the act of February 24, 1807, "an act of Congress authorizing such seizure;" and therefore the person making such seizure, if he be an "officer" of the Government, comes under the very letter of the provision contained in that act, securing indemnity to "any collector or other officer" who shall have made "seizure of any ship or vessel, goods," &c., "under any act of Congress authorising such seizure," whenever it shall appear to, and be certified by, the Court "that there was reasonable cause of seizure."

Still, although the Legislature has deemed it just and proper to establish this certificate as a bar to any action against the officers of the Government for damages sustained in such cases; and although this rule must therefore be deemed to be the rule of justice, and the certificate as at least *prima facie* proof that the parties have no just claim to damages; nevertheless, it is not impossible but that cases may happen presenting valid grounds for an appeal to "the justice of Congress." The features which should characterize such cases, it is not in my power, however, to define; and the extreme difficulty of doing so is to be inferred from the fact, that while Congress have deliberately established the rule closing the door in all such cases to all demands for redress at the hands of the persons who have failed to establish the forfeiture,—a rule necessarily implying that there is generally no ground for any such demand on the score of justice—they have at the same time abstained from any enactment making exceptions to this rule, or defining the circumstances under which a case of this nature should be deemed to present an equitable and valid claim to indemnity at the hands of the Government.

It is to be noticed, too, that Congress have not deemed it expedient to make any provision, even for cases which do not

come under this rule, however strong may be the claim which they present for indemnity. Where the certificate of "reasonable cause of seizure" is refused by the Court; and where, consequently, the presumption is strong, if not conclusive, that the parties affected by the seizure have suffered unjustly; in such cases, the only general provision in favor of those parties consists in leaving the door open to them to seek redress from the officers of the Government in their private capacity, by means of actions for damages against them or their sureties. That the pecuniary ability of these individuals may, in any instance that occurs, prove altogether inadequate to cover the damage sustained, and to afford the indemnity which justice demands, is certain. That cases of this kind may arise, in which the officer, by whom such personal liability is incurred, has fair claims to be made harmless by the Government, is also certain; for the proof of this exists upon the Statute book, in the shape of appropriations, made specially for this object. Nevertheless, Congress have not deemed it expedient to make any general provision to meet such contingencies, by delegating authority with reference to them. They have judged proper to retain in their own hands the power to provide for claims of this nature as they may arise.

I annex hereto a list of the papers enclosed, and as they are originals, will thank you to return them to this Department as soon as the Committee shall no longer have occasion for their use.

I am &c.

JAMES BUCHANAN.

TO MR. INGERSOLL.[1]

DEPARTMENT OF STATE,
WASHINGTON 5th March 1846.

HON: C. J. INGERSOLL,
Chairman of the Committee of Foreign Affairs
of the House of Representatives.

SIR:

I have the honor to transmit to you, by direction of the President, the correspondence of this Department with the Minister of Spain respecting the duties levied in the ports of the United States upon wines of the Grand Canary, and I beg leave

[1] MSS. Department of State, Report Book, VI. 177.

to bespeak for the subject as early a consideration as may comport with the engagements of the Committee of Foreign Affairs.

I have the honor &c.

JAMES BUCHANAN.

TO MR. INGERSOLL.[1]

DEPARTMENT OF STATE,
WASHINGTON, 5th March 1846.

HON: C. J. INGERSOLL,
Chairman of the Committee of Foreign Affairs
of the House of Representatives.

SIR:

I have the honor to communicate a copy of the correspondence of this Department with the Minister of Spain, together with copies of other papers on the same subject, respecting the tonnage duties levied upon Spanish vessels entering the ports of the United States. May I beg your careful perusal of these papers. From thence you will perceive, that, after a long delay, the Spanish Government has at length determined to restore the former discriminating duties against vessels of the United States, unless it should be able to obtain that justice from Congress, which has been so long acknowledged by the Executive branch of the Government.

I have the honor &c.

JAMES BUCHANAN.

TO MR. INGERSOLL.[2]

DEPARTMENT OF STATE,
WASHINGTON 5th March 1846.

HON: C. J. INGERSOLL,
Chairman Committee F. Affairs,
House of Reps.

SIR:

In reference to that portion of the President's message which relates to the pending question under the existing Treaty between the United States and Prussia, and with a view to such legislative

[1] MSS. Department of State, Report Book, VI. 177.
[2] MSS. Department of State, Report Book, VI. 176.

action as the case may appear to demand, I have the honor to submit, for the consideration of the Committee of Foreign Affairs, a copy of a correspondence between this Department and the Minister of Prussia, relating to the refusal of the Crew of the Prussian Ship "Borrussia," while at N. Bedford, to obey their Captain, and of the failure of the judicial authorities of the United States in Massachusetts—when appealed to for assistance in enforcing the decision of the Prussian Consul General pursuant to the Tenth Article of the Treaty between the United States and Prussia,—to interfere in the matter, on the ground that there was no law of the United States authorizing them to give effect to this article.

I have the honor to be &c.

JAMES BUCHANAN.

TO MR. ASHLEY.[1]

DEPARTMENT OF STATE,
WASHINGTON 6th March 1846.

HON: CHESTER ASHLEY,
Chairman of the Committee on the Judiciary,
U. States Senate.

SIR:

I have the honor to transmit herewith a copy of a letter from Mr. F. L. Brauns, Consul General of Wurtemberg, to this Department, communicating a note addressed to him by Count Beroldinger, Minister of Foreign Relations of that Kingdom, the object of which, as will be seen, is to correct the alleged erroneousness contained in the Reports made to the Senate by the Committee on the Judiciary, the 27th Jany. and 3rd March, 1845, in reference to convicts said to have emigrated, by order of the Government of Wurtemberg, to the United States.

These papers are respectfully submitted to the Committee on the Judiciary, for such consideration as, in their judgment, the subject may be entitled to.

I am, &c.

JAMES BUCHANAN.

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[1] MSS. Department of State, Report Book, VI. 178.

TO MRS. KEEFE.[1]

DEPARTMENT OF STATE,
WASHINGTON 6 March 1846.

MRS. JUANA VIAR KEEFE,
Care of James Keefe, Esquire,
Philadelphia.

MADAM:

Your letter of the 21st ultimo, to the President, respecting your private claim upon the Government of Spain, has been referred to this Department. You are acquainted with the steps which have already been taken by the Legation of the United States at Madrid, in your behalf, and are aware of the opinion expressed, by Mr. Livingston, the Secretary of Legation, who presented the case, that the prospect of a favorable decision upon it was slight. No decision, however, had been made at the latest date.

The measure that you suggest, that this Government should retain the amount claimed by you, out of moneys which may become payable by it to Spanish subjects for excess of tonnage duties levied upon them, is one which cannot be adopted. The Department will, however, cheerfully continue to do all that the nature of your case (which is one of a debt from the Spanish Government to a Spanish subject, in its employ as Consul) permits to be done in your behalf. For this end a Copy of your letter will be placed in the hands of Mr. R. M. Saunders, recently appointed Minister to Spain, who will be requested to bring the subject to the notice of Her Catholic Majesty's Government, and to endeavor to procure for it a favorable consideration, and an early decision.

I am &c.

JAMES BUCHANAN.

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[1] MSS. Department of State, 35 Domestic Letters, 424.

TO MR. LARRABEE.[1]

DEPARTMENT OF STATE,
WASHINGTON Mar. 9, 1846.

CHAS. H. LARRABEE, ESQUIRE
Chicago, Ill.

SIR:

I have received your letter of the 20th ultimo, relating to the claim of James Grogan for indemnity from the Government of Her Britannic Majesty for property in Canada, belonging to him, alleged to have been destroyed and pillaged by British troops during the years 1837, 38, 39, 40.

This property, it appears from your letter, consisted of a farm with its buildings, and of the personal effects of Mr. Grogan's family, who were living there, as settlers within British territory, and under the authority and protection of British law.

You state, that "he never by any act owned allegiance to Great Britain—never gave up his rights as an American citizen," and that it was his intention to dispose of this property and return to the United States as his permanent residence. These facts, supposing them all to be established, would not at all affect the nature of the case, as one in which redress should be sought from the tribunals of the country under whose laws Mr. Grogan had settled, and his farm was held. Until this course had been pursued and the means of redress afforded by those laws, and by appeals to the Government, had been exhausted, the case could not be regarded as a proper one for the intervention of this Department. Until then it could not enter into an examination of the question, whether, agreeably to the principles and provisions of the British law upon this point, an American citizen could settle with his family upon British territory, as the proprietor of a farm there, and still, with reference to such property, retain his character as an American citizen, so as to be entitled as such to protection from the Government of the United States against all injury done to that property, and so as to impose upon the Government of Great Britain the obligation to recognize the right of that of the United States to consider real estate so held as being under its protection.

By bringing the question home to ourselves, and supposing it to arise in regard to the intervention of a foreign Government,

[1] MSS. Department of State, 35 Domestic Letters, 426.

with reference to a similar occurrence taking place in one of the States of the Union, wherein troops of the State or of the United States had been concerned, you will at once be sensible of the difficulties which it would present.

JAMES BUCHANAN.

TO MR. RANTOUL.[1]

DEPARTMENT OF STATE,
WASHINGTON 10 March, 1846.

ROBERT RANTOUL, JR., ESQUIRE,
United States District Attorney,
Boston, Massachusetts.

SIR:

On the 2nd July last, a communication was addressed to you by this Department, calling your attention to the cases of the Masters of the Whaling vessels "Pantheon" and "Janus," against whom the Minister of Portugal had made complaint, for the abduction of certain Slaves from the Cape de Verd Islands, and you were instructed to make a report on these cases as early as possible.

Mr. Figaniere having repeatedly applied for information in regard to the steps taken by this Department upon the subject, I am again compelled to revert to these outrages so justly complained of by a friendly power, and upon which prompt action on your part was anticipated, as being alike due to the character of our Government for good faith and to the interests of such of our mariners and other fellow-citizens as prove themselves sensible of the obligation to respect the laws of the countries which they visit, and not to abuse the hospitality extended to them in foreign ports by invading the rights of their inhabitants.

I am, Sir, &c.

JAMES BUCHANAN.

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[1] MSS. Department of State, 35 Domestic Letters, 429.

TO MR. STODDARD.[1]

DEPARTMENT OF STATE,
WASHINGTON 10 March 1846.

JONATHAN STODDARD, ESQUIRE,
United States District Attorney,
New Haven, Connecticut.

SIR:

The Minister of Portugal has repeatedly applied to this Department for information on the subject of the return of the Whaling vessel "Romulus," and of the steps taken for the prosecution of her Master, for the alleged abduction, at one of the Cape de Verd Islands, of a slave, the property of a Portuguese subject.

As no information has been received from you respecting this case since your short letter of the 27th of March last, I have again to direct your attention to the subject, and to request that you will lose no time in investigating the case, and in taking all possible steps for bringing the offending party to justice. You will also, without delay, report fully upon the subject to this Department, in order that it may not, any longer, be unable to answer the inquiries of the Minister; and that the subject may, if necessary, be presented to Congress, for such action as they may deem due to the respect which the laws of a friendly country are entitled to at the hands of American citizens claiming the hospitality of its ports, and which the interests of such of our citizens as prove themselves not unmindful of this obligation, require should be enforced upon the few who may be disposed to set it at nought.

I am &c.

JAMES BUCHANAN.

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[1] MSS. Department of State, 35 Domestic Letters, 428.

TO MR. PLITT.[1]

DEPARTMENT OF STATE,
WASHINGTON, March 11, 1846.

GEORGE PLITT, ESQ.
(Washington City.)

SIR:

You have perused the despatch, under date January 5, 1846, recently received from Mr. John P. Brown, the Dragoman of our Legation at Constantinople, communicating a request from the Sultan that the head of this Department will give his aid for carrying into effect the arrangements which he has in view for the purpose of introducing an improved cotton culture into his dominions. Desirous as I am to respond to this request in a manner which shall evince the respectful and friendly regard entertained for the Sultan by our Government, the duties of the post which I occupy render it impossible that my agency in the business should extend beyond the selection of a person known to me as one by whom I may feel sure that it will be attended to in the way that I wish. For this reason I have proposed to you to take charge of it; and as you have consented to oblige me by so doing, I now proceed to give you the instructions which you will require in the execution of this trust.

The accompanying extracts from the Despatch above mentioned will be your guide in making the arrangements, which I hope you will be enabled to effect by proceeding to South Carolina, and there obtaining the coöperation of some of the eminent citizens of that state to whom you are personally known, and whose assistance will be indispensable to you, particularly in regard to the most difficult part of the business: the selection of persons who shall be known to competent judges to be suitable in all respects for fulfilling the object for which the Sultan desires that they should enter his service.

With respect to these persons, you will observe, that in regard to the time during which they are to be employed, and the compensation which they are to receive, you are not authorized to enter into contracts; but that these are to be concluded after their arrival at Constantinople. It is true that Cheffik Bey desired that their compensation should be considered as left entirely to my discretion. But I deem it best, all things con-

[1] MSS. Department of State, 35 Domestic Letters, 456.

sidered, not to exercise this discretion; and only to empower you to stipulate, that, should the contract proposed to these persons on their arrival at Constantinople not be satisfactory to them, then and in that case their expenses back to the United States shall be defrayed at the Sultan's expense, and they shall receive a compensation at the rate of $1 50 per month for the time lost in going and returning. Upon this point, as well as every other, I have to request that you will come to a distinct understanding with any person whose services you may engage, and that this understanding be reduced to writing; a copy thereof, as well as of all papers requisite to the complete elucidation of your agency in the business, to be communicated by you to this Department.

This agency will consist in employing suitable persons in procuring the desired quantity of each variety of cotton seed, together with such agricultural implements as the persons employed may deem necessary, and in making the necessary arrangements for their conveyance to Constantinople in steamers by the way of England.

The number of agriculturists named by the Sultan is "two or three," but he has, at the same time, expressed the wish that this limitation may not be regarded as imperative. Upon this point you will exercise your own discretion, under a view of all the circumstances having a bearing upon it, and full advisement with the persons on whom you rely. The most advisable plan, perhaps, would be to engage the services of four persons; two of superior qualifications, possessing experience and practical skill to direct and instruct in all the operations connected with the management of a cotton plantation; and, as assistants to these, two others familiar with those operations and accustomed to work at them with their own hands, so that they might serve as instructors in the manual details, such as ploughing, weeding, &c. This, however, is but a suggestion.

With respect to the inference drawn by Mr. Brown, from what had passed between himself and Cheffik Bey, as to the salary of $2000, I would wish you to be extremely guarded, and to call attention to the fact that this is not spoken of by Mr. Brown as a positively settled thing. My own impression is, however, that the parties may safely place great reliance, not only upon the good faith of the Sultan, but upon his liberal disposition.

Your compensation, whilst engaged in attending to this business will be at the rate of eight dollars per diem, to begin

with this day, besides your travelling and personal expenses, of which you will please keep and render an account.

To meet the disbursements which may become requisite, the Sultan has caused the sum of $2500 to be placed at my disposal, in a letter of credit on Messrs. Edward Lamb and brother of Boston. An advance of $500 will be placed in your hands.

I am, &c.

JAMES BUCHANAN.

TO MR. SLIDELL.[1]

No. 7. DEPARTMENT OF STATE,
WASHINGTON, 12th March [1846.]

TO JOHN SLIDELL, ESQUIRE, &c. &c. &c.

SIR:

The duplicate of your despatch No. 6 of the 6th ultimo and your despatch No. 7 have been received. In the latter you state that you shall anxiously await my definitive instructions by the Mississippi.

It is not deemed necessary to modify the instructions which you have already received, except in a single particular, and this arises from the late revolution effected in the Government of the Mexican Republic by General Paredes.

I am directed by the President to instruct you not to leave that Republic until you shall have made a formal demand to be received by the new Government. The Government of Paredes came into existence, not by a regular constitutional succession, but in consequence of a military revolution by which the subsisting constitutional authorities were subverted. It cannot be considered as a mere continuance of the Government of Herrera. On the contrary, the form of Government has been entirely changed, as well as all the high functionaries at the head of the administration. The two Governments are certainly not so identical, that the refusal of the one to receive you ought to be considered conclusive evidence that such would be the determination of the other. It would be difficult, on such a presumption, in regard to so feeble and distracted a country as Mexico, to

[1] MSS. Department of State, Instructions, Mexico, XVI. 37. Extracts published in Curtis's Buchanan, I. 596, and in S. Doc. 337, 29 Cong. 1 Sess. 54; H. Ex. Doc. 196, 29 Cong. 1 Sess. 54; H. Ex. Doc. 60, 30 Cong. 1 Sess. 64.

satisfy the American people that all had been done which ought to have been done to avoid the necessity of resorting to hostilities.

On your return to the United States, energetic measures against Mexico would at once be recommended by the President, and these might fail to obtain the support of Congress, if it could be asserted that the existing Government had not refused to receive our Minister. It would not be a sufficient answer to such an allegation that the Government of Herrera had refused to receive you and that you were therefore justified in leaving the country, after a short delay, because, in the mean time, the Government of Paredes had not voluntarily offered to reverse the decision of its predecessor.

The President believes that for the purpose of making this demand, you ought to return to the City of Mexico, if this be practicable consistently with the national honor. It was prudent for you to leave it during the pendency of the late revolution, but this reason no longer continues. Under existing circumstances, your presence there might be productive of the most beneficial consequences. It appears from your despatch No. 7, that the Government of Paredes is now tottering for want of money. It would be easy for you to make known to him in some discreet manner that the United States were both able and willing to relieve his administration from pecuniary embarrassment, if he would do us justice and settle the question of boundary between the two Republics. A treaty for this purpose, under your instructions, if ratified by Mexico and transmitted to the United States, could be returned in a brief space with the ratification of the President and Senate. In the mean time, Paredes could command immediately funds on such an assurance.

The time when you shall ask to be received by the Government of Paredes, is left to your own discretion. The President thinks that this ought to be done speedily, unless good reasons exist to the contrary. Your demand ought to be couched in strong but respectful language. It can no longer be resisted on the ridiculous pretense that your appointment has not been confirmed by the Senate.

I transmit you herewith a sealed letter from the President of the United States, accrediting you in your official character to General Paredes as President ad interim of the Mexican Republic. An open copy of the letter is also enclosed which you will communicate to the Minister of Foreign Affairs, with

a request for him to name a time for you to present the original to the Acting President in person.

In regard to the time of your departure from the Mexican Republic, the President is willing to extend your discretion. In the present distracted condition of that Republic, it is impossible for those at a distance to decide as correctly what ought to be your course in this particular as you can yourself upon the spot. The intelligence which you have communicated, "that the Department of Sinaloa has declared its independence," "that the garrison of Mazatlan has pronounced against Paredes," and "that the authorities of the Department of Nuevo Leon, Tamaulipas, Chihuahua, Michoacan and Queretero have protested in strong terms against the usurpation of Paredes, and, refusing to continue in the exercise of their functions, have dissolved," may well exercise an influence on your decision. Indeed, you suppose that appearances justify the belief that Paredes will not be able to sustain himself until the meeting of the Constituent Congress; that his Government will perish from inanition if from no other cause. In this critical posture of Mexican affairs, it will be for yourself to decide the question of the time of your departure according to events as they may occur. If, after you shall have fulfilled your instructions, you should indulge a reasonable hope, that by continuing in Mexico you could thus best subserve the interests of your country, then you ought to remain, provided this can be done with honor. The President reposes entire confidence in your patriotism and discretion, and knows that no temporary inconvenience to yourself will prevent you from performing your duty. It may be, that when prepared to take your departure, another revolution might be impending, the result of which would enable you, by a timely interposition, to accomplish the great objects of your mission. Besides, in the present distracted condition of Mexico, it is of importance that we should have an able and discreet agent in that country to watch the progress of events and to communicate information on which the Department could rely. Jalapa is probably not so favorable a position for observation as the City of Mexico.

We have received information from different quarters, in corroboration of your statement, that there may be a design on the part of several European Powers to establish a monarchy in Mexico. It is supposed that the clergy would generally favor such a project and that a considerable party already exists among

the people which would give it their countenance and support. It is believed by many that this party will continue to increase in consequence of the successive revolutions which may afflict that country, until at length a majority of the people will be willing to throw themselves into the arms of a monarch for security and protection. Indeed, rumor has already indicated the King, in the person of the Spanish Prince Henry, the son of Francisco de Paula, and the rejected suitor of Queen Isabella.

These may be, and probably are, idle speculations, but they come to us in such a shape that they ought not to be wholly disregarded. It will be your duty to exercise your utmost vigilance in detecting this plot and its ramifications, if any such exists. Should Great Britain and France attempt to place a Spanish or any other European Prince upon the throne of Mexico, this would be resisted by all the power of the United States. In opposition to such an attempt, party distinctions in this country would vanish and the people would be nearly unanimous. It is unnecessary to state to one so well informed upon the subject as yourself, the reasons why the United States could never suffer foreign Powers to erect a throne for a European Prince on the ruins of a neighboring Republic, without our most determined resistance.

The Oregon question is rapidly approaching a crisis. By the Steam Packet which will leave Liverpool on the 4th April, if not by that which left on the 4th instant, the President expects information which will be decisive on the subject. The prospect is that our differences with Great Britain may be peacefully adjusted, though this is by no means certain. Your return to the United States before the result is known would produce considerable alarm in the public mind and might possibly exercise an injurious influence on our relations with Great Britain.

This despatch will be transmitted to you by the Mississippi (which is placed at your disposal) and will be delivered to you by an officer of that vessel. There will always be a vessel of war at Vera Cruz ready to bear your despatches or yourself to the United States.

In conclusion I would remark that it is impossible, at this distance from the scene of action, to anticipate all the contingencies which may occur in a country in a state of revolution as Mexico is at present, and to provide for cases of sudden emergency. Much must necessarily be left to the discretion of the

Envoy who, on the spot, can take advantage of circumstances as they may arise; and the President is happy in believing that you possess all the qualifications necessary for the crisis.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

P. S. To provide for possible contingencies, two letters of credence are transmitted to you, the one directed to General Paredes by name, and the other to the President of the Mexican Republic.

TO MR. HOUGH.[1]

DEPARTMENT OF STATE,
WASHINGTON, March 13, 1846.

HON. WILLIAM J. HOUGH,
(House of Representatives)

SIR:

I have the honor to acknowledge the receipt of your letter of the 12th instant, stating that "previous to the month of April, 1759, John Schuyler, an officer of rank in the Holland navy, died, leaving a large real and personal estate in Surinam, Dutch Guiana, South America, to his brother, David Schuyler, then a resident of Canajoharie, county of Albany, and province of New York," and that you are desired by Mr. John J. Schuyler to "request the Department of State of the United States, to instruct the American Chargé d'Affaires at the Hague to ask of the Dutch Government to have an enquiry instituted through its appropriate functionaries at Surinam, whether any and what property was left by said John Schuyler to his said brother, David Schuyler, and what has become of it."

I regret to have to state in reply, that an enquiry like this constitutes a matter of purely private business, to which the agency of the Government cannot be given, any more than to the private affairs and concerns of individuals, in any other of the multifarious forms which they assume. The investigation of titles to land and other property, and the researches involved in such investigations, are in all countries the business of professional men, employed by the parties interested.

[1] MSS. Department of State, 35 Domestic Letters, 435.

Such is the only answer which it would be in the power of this Department to give, if an application, similar to the one which Mr. Schuyler requests should be presented to the Dutch Government, through our Chargé at the Hague, were addressed to this Government by the Dutch Minister, or the diplomatic agent of any other country. Instructions to make such a request could not, therefore, with any propriety, be given to one of our Ministers abroad.

Nor is this the only reason which forbids such a course on the part of this Department. The proper duties of our diplomatic agents are confined to business of a diplomatic character, to subjects which permit and require the intervention of the Government and form proper topics of international discussion. All business of this kind it is their duty to attend to, and the duty of this Department is to instruct them in regard thereto. But it possesses no authority to instruct them to attend to business of a private nature.

Mr. Schuyler will, therefore, see the necessity of pursuing the same course, in regard to the property in question, that he would have adopted, had the land been in one of the states of this Union, by employing an agent to attend to the business in the manner which its nature may require. Although this Department possesses no authority to instruct our chargé at the Hague, in regard to such matters, I entertain no doubt but that it would afford him pleasure, upon an application from Mr. Schuyler, to give him his aid in communicating with the professional men, through whose agency alone he could expect to accomplish his object.

Any letters addressed to "Auguste Davezac, Esq., Chargé d'Affaires of the United States at the Hague," and sent, free of postage, under cover to "Fernando Wood, Esq., U. S. Despatch Agent, New York," will be duly transmitted to their destination.

I am, &c.

JAMES BUCHANAN.

TO MR. LISBOA.[1]

DEPARTMENT OF STATE,
WASHINGTON, 13th March, 1846.

TO THE CHEVALIER GASPAR JOSÉ DE LISBOA,
&c. &c. &c.

The Undersigned, Secretary of State of the United States has the honor to acknowledge the receipt of the note under date the 2nd ult. from the Chevalier de Lisboa, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Brazil, communicating a copy of the protest of the Brazilian Government against the Act of the British Parliament approved on the 8th of August, 1845, which declares Brazilian vessels engaged in the slave-trade liable to be tried before the High Court of Vice Admiralty in the dominions of Her Britannic Majesty. The Undersigned has the honor to inform Mr. Lisboa that, agreeably to his request, his communication has been laid before the President of the United States.

The Undersigned avails himself of this occasion to offer the Chevalier de Lisboa renewed assurances of his very distinguished consideration.

JAMES BUCHANAN.

TO MR. ALLEN.[2]

DEPARTMENT OF STATE,
WASHINGTON 14 March, 1846.

HON: WM. ALLEN,
Chairman of Committee for F. Affairs,
U. S. Senate.

SIR:

In reference to that portion of the report of this Department, of the 8th March, 1844, on the subject of the abduction of slaves, the property of Portuguese subjects, which the President communicated to the Senate on the following day, I have the honor to transmit enclosed a copy of a note from the Minister of

[1] MSS. Department of State, Notes to Brazilian Legation, VI. 35. Mr. Lisboa presented his credentials as minister resident of Brazil, at Washington, May 29, 1841. He presented credentials as envoy extraordinary and minister plenipotentiary, Sept. 12, 1845; and took his leave, July 22, 1847.

[2] MSS. Department of State, Report Book, VI. 179.

Portugal of the 13th Jan. last, to which I beg leave to invite your particular attention.

It would seem very desirable, that the disposition of the American Government to fulfil its obligations in this respect towards Portugal and other friendly nations, should be made effective, so far as this may be practicable, by proper penal enactments, calculated to prevent the recurrence of such acts, on the part of American citizens, as here constitute the ground of complaint from the Portuguese Government: acts, it may be observed, the obvious tendency of which is to operate greatly to the prejudice of American Navigation and of American citizens generally who have occasion to claim the hospitality of Foreign ports.

The attention of the District Attorneys of Massachusetts and Connecticut has again very recently been called to the subject.

I am, Sir, &c.

JAMES BUCHANAN.

TO MR. POLK.[1]

(No. 6.) DEPARTMENT OF STATE,
WASHINGTON, 14th March, 1846.

WILLIAM H. POLK, ESQRE.,
&c., &c., Naples.

SIR:

I transmit, herewith, copy of a letter from Messrs. Charles & Henry Borie, of Philadelphia, dated on the 27th of October last, in which it is stated, that, under a law in favor of national vessels of the Two Sicilies, making a reduction of 30 per cent. on the duties upon goods when imported in Neapolitan vessels, (in which law was reserved the right of abolishing said privilege, after six months previous notice,) their firm had recently shipped to Naples sundry merchandise, which was entitled to this privilege. But the Sicilian Government having abolished it without due notice, the Messrs. Borie had been precluded therefrom, and full duties had been exacted upon the merchandise shipped by them upon the faith of that law; whereby they have suffered heavy loss. Under these circumstances they have asked the intervention of this Government for their protection.

[1] MSS. Department of State, Instructions, Two Sicilies, XIV. 36.

I have, therefore, to request, that you will examine into the facts; and, should they be as stated, make the proper representation to the Sicilian Government in behalf of the parties interested. They have already been informed that you would be instructed on the subject, and have been directed to transmit to you all necessary information in relation to their claim.

No despatches have been received from you, at this Department, except that of the 26th of July, No. 1, and that of the 1st December. The latter was accompanied by the Treaty concluded and signed by you on the same day,—which was communicated to the Senate on the 28th January.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO MR. TUCKER.[1]

DEPARTMENT OF STATE,
WASHINGTON March 14, 1846.

WILLIAM T. TUCKER,
late U. S. C., Bermuda.

SIR,

In a late despatch from F. B. Wells, Esqre., Consul of the United States at Bermuda, he says, "If the cause of the removal of Mr. Tucker, the late Consul here, be, that he is not an American, he will be much gratified in receiving a letter to that effect from the Department of State."

It has not been the practice of the Government to enter into explanations of this nature. But, owing to the length of time during which you have been honorably and usefully employed in its service, and to the high personal consideration in which you are held both in this Country and at home, I take pleasure in departing on this occasion from the established course, by stating, that a rule by which the President has deemed it his duty to be governed in regard to Consular appointments, requiring that they should be held by Citizens of the United States in preference to foreigners, has been the only reason for terminating your functions as the American Consul at Bermuda.

I am, Sir, Respectfully, &c.

JAMES BUCHANAN.

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[1] MSS. Department of State, Despatches to Consuls, XII. 179.

TO MR. RATHBUN.[1]

DEPARTMENT OF STATE,
WASHINGTON, March 16, 1846.

SIR: The note addressed by you to the Department, under date of the 18th December last, presenting certain inquiries in regard to its organization, was duly received, and would have been immediately answered, had it not been for other important and more pressing engagements.

Answers to your inquiries will be found in my report (marked A) and the accompanying documents (marked B, C, D) which I have now the honor to communicate. Should you or any other member of the Committee desire further explanations, it will afford me great pleasure to make them personally at the department.

Yrs., very respectfully,
JAMES BUCHANAN.

HON. GEORGE RATHBUN,
(Chairman of Committee on the Judiciary, House of Representatives.)

LIST OF PAPERS TRANSMITTED.

A.—Report.

B.—Number of clerks employed in the Department of State, and their duties.

C.—Force in the British "Foreign Office" and in the Department of State respectively.

D.—Present force of the Department of State compared with the force deemed necessary 28 years ago.

A—REPORT.

DEPARTMENT OF STATE,
WASHINGTON March 16, 1846.

A year has now elapsed since the present Secretary took charge of this Department; and the conviction has been forced upon him, that in the diplomatic and consular branches it is wholly inadequate to perform the duties which it owes to the country. That it is so will be made manifest by a simple statement of facts.

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[1] S. Doc. 100, 29 Cong. 1 Sess. 1; MS. Report Book, VI. 184, 192. See also a letter of Mr. Buchanan to the Hon. John Davis, speaker of the House of Representatives, March 30, 1846, on the subject of employees in the Department of State, in H. Doc. 184, 29 Cong. 1 Sess. 1.

Independently of the Chief Clerk, there are five clerks employed in conducting our diplomatic correspondence with the whole world.

To one of these is assigned all the diplomatic correspondence with the nations on the continent of America, and all business incident thereto, such as answering letters from individuals, replying to inquiries from committees, and collecting and arranging the materials for responding to calls from Congress; to another all that with Great Britain, France, Russia, the Netherlands, and China; and to the third that with all the remaining nations of the world. The two latter are assisted each by a copying clerk, who has also other duties to perform, at the salaries of $900 and $800 per annum.

This is the whole machinery employed to conduct the business arising out of our foreign relations with all the powers of the earth.

It is true that there is a translator and an accountant attached to the Department, but the special nature of their duties is sufficiently indicated by their names.

The consular section of the Department is, if possible, still more inadequate. The number of our consuls is already 170; and the number of clerks for the discharge of the duties of this branch is *two*. The one has charge of the correspondence with, and relating to, our consulates on the American continent and some of the islands; the other with those in Europe and the remainder of the globe.

The force employed in the "office of foreign affairs," as it stood in 1789, when our present form of government went into operation, consisted of *five* persons, to wit: the "secretary for foreign affairs," the "under secretary," two "clerks," and an "interpreter." At this day, when our population has swelled from less than four millions to twenty millions and its intercourse with foreign countries, and our relations with their Governments, have more than proportionally expanded, the force to conduct the diplomatic and foreign business of the nation consists of *ten* persons, two of whom are copying clerks.

The interests of the country require that this Department should be far more efficient than it is. Much more business ought to be transacted; and that which can be accomplished ought to be despatched both more expeditiously and upon fuller consideration.

Of the persons belonging to the Department, not one, except

its head, has authority to sign a single paper, or to decide upon any question, however trivial. And here it is proper to observe, that a mass of miscellaneous matter has devolved upon it, most of which has no natural connexion with its appropriate duties. The present number of clerks employed upon this business is sufficient; but all of it, in its minutest details, must undergo the personal supervision of the Secretary, and every paper in relation to it must receive his signature.

The consequences of this accumulation of business upon the head of the Department must be manifest to every one. He must either neglect great National interests, or the subordinate but pressing business involving the rights of individuals. Almost every day brings with it a struggle between the conflicting claims of subjects all of which are entitled to attention, whilst it is impossible that all should receive it. Much business is thus postponed, and even a portion of the small force already in the Department is often without full employment, because it cannot act without instructions, and there is but one head from which these can proceed.

It is a paramount duty of the Secretary of State to make himself master of the subsisting relations of all foreign nations with the United States, and with each other, at least so far as these may bear upon the interests of this Country. The performance of this duty requires time for reading and reflection. No person acquainted with the present Secretary will doubt his industry; and yet he can truly affirm, that since he came into the Department he has not found time even for a careful or regular perusal of the leading foreign journals, much less for that of those other publications with which his duties require that he should be acquainted.

It is beyond all question that each of our diplomatic agents should hear from the Department at least once in each month on the general policy and views of the Government, as these may be affected by passing events. But this is now impossible. For a long period of time not a despatch to our ministers abroad has ever been written, except upon business of a pressing character.

Defective as is our present consular system, a mass of information might be acquired through its agency, which would be of great importance to the navigating, commercial, agricultural, and manufacturing interests of the country. Even now, much of such information is obtained; but it is rendered comparatively useless for want of persons to digest, arrange, and

publish it, for the use of Congress and the people. Besides, an active correspondence with our consuls would be the means of eliciting from them much valuable political intelligence.

It is desired by the committee that the Secretary should suggest a plan to render the Department adequate to perform its duties. This can be done in a few words.

Let the chief clerk be converted into an Assistant Secretary, to be appointed by the President, by and with the advice and consent of the Senate, authorized by law, under the general supervision of the Secretary, to transact all the business of the Department, except that which is of a purely diplomatic character. The salary of this officer the Secretary would propose to fix at $3,000.

Relieve the Secretary from the judicial and other business connected with the Patent Office—all of which is transacted by himself, without the agency of any clerk—by transferring it to the Attorney General, to whom it would appropriately belong.

Let provision be made for the employment of three additional clerks in the diplomatic branch. These clerks ought to be men of intellect and information, competent to prepare a despatch upon any subject arising in the ordinary course of business, and involving only principles which have been clearly settled by the action of our Government. Their first duty would be to devote themselves to a careful perusal and study of all the correspondence from the beginning, between this government and the foreign governments with which their duties may be connected; so that they might be able always, without delay, to furnish to the head of the Department any information or documents which he may require. They ought to be qualified to examine the facts and the principles involved in the private claims of citizens of the United States upon foreign governments on which the agency of the Department is so often invoked. No claim ought ever to be presented to a foreign government in the name of the nation, until it shall have undergone a careful scrutiny, and the Department shall have ascertained that it presents at least a clear *prima facie* case of justice. This is due alike to our national character and the cause of justice. For the want of an adequate force to make such examinations, it has been too often the practice to transmit these private claims to our legations abroad, without due consideration, to be there advocated and urged. The tendency of this practice has been to perplex and embarrass our diplomatic agents; to involve them in useless and irritating con-

troversies with those to whom they are accredited; to excite prejudice and ill feeling against our citizens, and to endanger the character of our country for fair dealing with the nations of the world.

It is believed that persons at all competent to the discharge of these important duties could not be procured for a less salary than $2,000. Individuals of such a character could not be induced to abandon private pursuits in which they may be engaged for a smaller compensation.

If these three additional clerks were provided, then the diplomatic branch of the Department would employ but six clerks, independently of the two copying clerks; and with the services of one of these the Department might probably dispense.

In the consular branch, two additional clerks, at least, are required; the one at a salary of $2,000, and the other at $1,400. This would make the whole number of consular clerks four. The duties of the first clerk would require high qualifications; because to him would be assigned, in addition to his other duties, the task of digesting, arranging, and preparing, for the use of Congress and the people, all the information procured from our consuls affecting our great commercial, agricultural and manufacturing interests.

Should Congress deem it proper to add these five clerks to the force of the Department, and convert the chief clerk into an Assistant Secretary, the increased expenditure would amount to $9,400 per annum. From this may be deducted the salary of one of the present clerks at $800, which would reduce the sum to $8,600. It might be still further diminished by requiring a small fee to be paid for passports, which are now prepared and delivered without any charge. But, after making these deductions, the increased expense could not be estimated at less than $7,500 per annum. It will be for the wisdom of the committee and of Congress to determine, whether the reforms contemplated will be worth this additional expenditure. In one opinion the Secretary is very clear; and this is, that any change would be of but little avail, which, in either the diplomatic or consular branch, should stop short of the additions here recommended.

Should Congress fail to be satisfied of the necessity of making these changes, permit the Secretary to express the earnest hope that the office of chief clerk may be changed into that of an Assistant Secretary, as suggested. This will relieve the Secretary from a mass of business in detail, much of it having no

relation to our foreign affairs, and enable him to devote the time thus saved to the important interests of the country.

Although it is not proposed to institute a detailed comparison between this Department and the foreign department of other governments, in regard to the duties discharged by them, and the force assigned to them, respectively; still it may be worth the while of the committee to bestow a glance upon the lists of officers employed in the foreign office of Great Britain and in this Department. They will be found in the paper marked C. In another, marked D, is exhibited the present force of the Department, as compared with that which Congress deemed it necessary to employ twenty-eight years ago.

All which is respectfully submitted by

JAMES BUCHANAN.

B.

NUMBER OF CLERKS EMPLOYED IN THE DEPARTMENT OF STATE AND THEIR DUTIES.

I. NUMBER OF CLERKS

The whole number of clerks employed in the Department is fourteen.

II. DUTIES OF THE CLERKS.

1. *The Chief Clerk*

is the assistant of the secretary in regard to the business of the Department generally, and, when he is absent at cabinet meetings, or engaged in conferences at the Department, represents him by receiving persons having business with it. He receives the mails, opens and peruses despatches and other communications as they come in, and refers them to the appropriate clerks; revises drafts of papers prepared by them, and all papers prepared for the Secretary's signature; drafts letters, or gives directions in regard thereto, and generally in regard to all points arising in the course of the business of the Department, and to all matters requiring its action, so far as the nature of the subject admits of this being done without bringing it in the first instance before the Secretary, to whose consideration every matter must be brought before it can be disposed of—he being the only person authorized to act upon any subject, or to determine upon any matter calling for a determination.

2. *Diplomatic Branch.*

Number of clerks employed, five.

This branch has charge of all correspondence between the Department and the ministers and other diplomatic agents of the United States abroad, and those of foreign powers accredited to this Government.

In it all diplomatic instructions sent from the Department, and communications to commissioners under treaties of boundary, &c., are prepared, copied, and recorded; and all of like character received are registered and filed, their contents being first entered in an analytic table or index. Letters of credence, full and special powers, communications to foreign sovereigns and states of congratulation, condolence, &c., copies of treaties for exchange and for publication, certificates of the exchange of ratifications, reports in answer to Congressional calls for correspondence, &c., proclamations, synopses, general and particular, are made out and recorded or kept; and answers are prepared to inquiries and other applications from committees, members of Congress, and private individuals, regarding claims, complaints, and all matters of a diplomatic character.

3. *Consular Branch.*

Number of clerks employed, two.

This branch has charge of the correspondence, &c., between the Department and the consuls and commercial agents of the U. States. In it, instructions to those officers, and answers to their despatches and to letters from other persons asking for consular agency, or relating to consular affairs, are prepared and recorded; registers are kept, in which the substance of all communications to the Department, relating to this branch of the business, is entered, with notes of the disposition made of them; an index is kept for each consulate, in which the purport of every communication relating to it, written or received, is entered; a register is kept of the consular fees, and the despatches of the consuls and commercial agents are filed and preserved.

4. *Miscellaneous.*

Number of clerks employed, six.

1. *The Disbursing Agent.*—He has charge of all correspondence and other matters connected with accounts relating to any fund with the disbursement of which the Department is

charged; purchases all articles required for the use of the Department, and prepares the contracts under which they are furnished; disburses the appropriations for its contingent expenses, including those for the printing and distribution of the laws, and of other publications in regard to which this duty is assigned to the Department; those for the compensation of its officers; for the contingent expenses of missions abroad and of foreign intercourse; for expenses of consulates in the Turkish dominions. Prepares and records all requisitions of the Department on the Treasury; examines and presents, for the decision of the Secretary of State, abstracts of accounts for diplomatic contingent expenses, submitted by the Auditor; prepares letters of credit on the Bankers of the United States; sees that they are provided with funds to meet the drafts on them; prepares estimates for all appropriations required by the Department of State, furnishing explanations in reference to them and to all matters connected with this branch of duties, whenever called for.

2. *The Translator.*—His duties are to furnish such translations as the Department may require. He also records the commissions of consuls and vice-consuls, when not in English, upon which exequaturs are issued.

3. *Clerk of Appointments and Commissions.*—He makes out and records commissions, letters of appointment, and nominations to the Senate; makes out and records exequaturs, and records, when in English, the commissions on which they are issued. Furnishes statements, for the use of the other departments, of the appointments, resignations, deaths, &c., of officers whose commissions and letters of appointment issue from this Department; keeps a list of the names and titles of office of all such officers, (diplomatic and consular excepted,) of the dates of their appointment and of the expiration of them: registers and files papers of recommendation for office, and letters relating to appointments; prepares letters, statements, and reports, relating to this branch of business. Has charge of the Library.

4. *Clerk of the Rolls and Archives.*—He takes charge of the rolls, or enrolled acts and resolutions of Congress, as they are received at the Department from the President; prepares the authenticated copies thereof which are called for; prepares for and superintends their publication, and that of treaties, in the newspapers and in book form; attends to their distribution throughout the United States, and that of all documents and publications in regard to which this duty is assigned to the De-

partment, writing and answering all letters connected therewith. Has charge of all Indian treaties, and business relating thereto; has charge of the archives, including the "Washington papers," and comprehending the records of commissions which have sat under treaties, claim-papers, &c.; makes the examinations which are often called for, reports the result, prepares answers to inquiries respecting these subjects.

5. *Clerk of Authentications and Copy Rights.*—He has charge of the Seals of the United States and of the Department, and prepares and attaches certificates to papers presented for authentication; receives and accounts for the fees. Has charge of publications transmitted to the Department under the laws relating to copy rights; records and indexes their titles; records all letters from the Department, other than the diplomatic and consular; records the reports made by the Department to the President and to Congress, and keeps a miscellaneous record book. Has charge of the returns of passengers and seamen received from the various custom-houses. Prepares letters relating to these subjects.

6. *Clerk of Pardons and Passports.*—He prepares and records pardons and remissions; and registers and files the petitions and papers on which they are founded. Makes out and records passports; keeps a daily register of all letters other than diplomatic and consular, received, and of the disposition made of them; prepares letters relating to this business.

Besides the special duties assigned to them, the clerks generally are called upon, when their services are required in copying and collating.

C.

FORCE IN THE BRITISH FOREIGN OFFICE AND IN THE DEPARTMENT OF STATE OF THE U. STATES, RESPECTIVELY.

1. FORCE EMPLOYED IN THE BRITISH "FOREIGN OFFICE."

(Taken from the "Royal Calendar" for 1845.)

Thirty-nine persons, to wit:

One principal Secretary of State.
Two Under-Secretaries.
One chief-clerk, with two clerks attached to his department.
Six senior clerks.
Twenty-one clerks.
One Librarian and Keeper of the papers.

One Sub-Librarian and two clerks attached to the Librarian's dept.
One translator.
One precis writer.

II. Force employed in the Department of State of the United States.

Fifteen persons, to wit:

One Secretary of State.
One Chief Clerk.
Twelve clerks.
One translator and librarian.

Remarks.

The number of persons employed in the British Foreign Office is thirty-nine. The duties of this office, as stated in the "Imperial Calendar," consist exclusively in conducting all correspondence with British ministers and consuls abroad, and foreign ministers in England, relating to negotiations, treaties, &c., on political and commercial matters.

In the Department of State of the United States, the persons by whom is conducted that branch of the business which corresponds with the duties of the British Foreign Office are *ten* in number.

This includes the Secretary of State and the Chief Clerk, whose attention, so far from being devoted exclusively to this branch of duties, is incessantly diverted from it; and this by causes which not only occupy much of their time, but subject them at all moments to interruptions, which, however important and urgent may be the public business that they are engaged upon, could be avoided only by constantly subjecting to delay and to serious inconvenience individuals whose business might, under a proper organization of the Department, be despatched without presenting any such alternative.

D.

Force of the Department of State at the present time, as compared with that which was deemed necessary twenty-eight years ago.

Force under the act of 1818, including the Secretary of State, 11 persons.

Business of the Department, diplomatic and consular, at

that period, estimated by the number of our missions and consulates abroad with whom to hold correspondence. (Corresponding to the number of our missions abroad, as a general rule, is the number of foreign missions in our country, with whom to correspond in writing and to hold conferences.)

Our missions abroad..... 7
Our consulates 67

Force at the present time (1846) including the Secy. of State, 15 persons.

Our missions abroad..... 23
Our consulates 170

Showing, during this period of twenty-eight years,—

Persons employed—an addition of four,
or an increase of *thirty-six* per cent.

Our Missions abroad—an addition of sixteen,
or an increase of *two hundred and thirty-six* per cent.

Our Consulates—an addition of one hundred and three,
or an increase of *one hundred & fifty-three* per cent.

NOTE.—The above statement presents the *total* of the increase which has taken place in the *force* of the Department. In the *business* of the Department it presents only the increase in the diplomatic and consular branches; nor is the increase in these branches confined to the business more immediately and directly belonging to them. It involves a corresponding increase in the *incidental* business; such as communications to Congress and to committees, correspondence with the other departments, with district attorneys, marshals, &c., and with individuals, growing out of our foreign relations.

REMARKS.

It is to be observed that, whilst every addition to the diplomatic list from our country, or to it, is attended with an increase in the written correspondence to be carried on by the Department, it lessens the time which can be given to that correspondence by the head of the Department; for the portion of his time which must be consumed in personal conferences with foreign diplomatic agents, and with our own, going and returning, is thereby unavoidably increased. The same is true, although in a less absolute sense, with respect to the consular list.

So also with regard to individuals having business with the department. Their numbers keep pace with the extension of the intercourse of our people with those of other countries—an

intercourse which extends even more rapidly than does our population. Hence a daily augmentation not only of the subjects to be attended to, but also of the number of persons who visit the seat of government, for the purpose, or in the expectation, of having business interviews with the Secretary of State, to say nothing of those who, apart from all matters of business, entertain the like expectation.

TO SEÑOR CALDERON DE LA BARCA.[1]

DEPARTMENT OF STATE,
WASHINGTON, 16th March, 1846.

DON A. CALDERON DE LA BARCA,
&c., &c., Spain.

The Undersigned, Secretary of State of the United States, has had the honor to receive from Mr. Calderon de la Barca, Envoy Extraordinary and Minister Plenipotentiary of Her Catholic Majesty, the projet of a Treaty of Extradition which he proposes to conclude with the United States in behalf of his Government. The President, sincerely desirous of adopting any proper measure which would strengthen the bonds of friendship now so happily uniting the two countries, is willing to conclude a Treaty of Extradition with Spain, and to extend its provisions as far as the United States have ever entered into such stipulations with any Nation. There are, however, objections to two of the provisions contained in the projet which are insuperable. These relate to the 3rd and 4th Articles.

The third article proposes the mutual surrender of deserters from the armies of the respective Powers. Such a stipulation has never been made by the United States with any nation; and the President is not disposed to change the settled policy of the country in this respect. In regard to the surrender of deserters from the Navy, the case is different. We have Treaty stipulations for this purpose with several nations; and we are willing to go as far to meet the wishes of the Spanish Government on this subject, as we have gone upon any other occasion.

From the nature of the naval service, deserters from ships of war and merchant vessels are speedily pursued and can be surrendered without inconvenient delay. Not so, in regard to deserters from the army. It would often occur that, before they

[1] MSS. Department of State, Notes to Spanish Legation, VI. 133.

could be found in our extensive country, years might elapse; they might have settled in the interior, and have formed domestic ties,—and might even have become citizens. Besides, if this privilege were granted to Spain, it could not well be denied to other nations.

The fourth article of the projet proposes a mutual surrender of fugitive slaves. Without specifying any other objection to this article, it is sufficient to state, that the difficulties in the way of its execution would be so great as more than to counterbalance all the advantages which could be derived from it. The long residence of Mr. Calderon de la Barca in the United States, and the enlightened observation which he has made, as to the working of our Institutions, will enable him to present these difficulties in a proper light before his Government.

The Undersigned has the honor to communicate to Mr. Calderon de la Barca, a projet of a Treaty of Extradition which embraces stipulations as extensive as the United States have ever adopted. Should this prove acceptable to the Government of Her Catholic Majesty, he is willing, at any moment, to conclude such an arrangement.

The Undersigned avails himself of this occasion to renew to Mr. Calderon de la Barca the assurance of his distinguished consideration.

JAMES BUCHANAN.

TO MR. ALVAREZ.[1]

DEPARTMENT OF STATE,
WASHINGTON March 19th 1846.

MANUEL ALVAREZ ESQRE.
apptd. Commercial Agent
of the U. States at Santa Fé.

SIR,

It being necessary in order to carry out the provisions of an Act passed at the 2nd Session of the 28th Congress, entitled "An Act allowing drawback upon Foreign Merchandise exported in the original packages to Chihuahua and Santa Fé in Mexico, and to the British North American provinces adjoining the United States," that the United States should be represented

[1] MSS. Department of State, Despatches to Consuls, XI. 454. Substantially repeated in Mr. Buchanan to Edward J. Glasgow, appointed commercial agent at Chihuahua, March 26, 1846, id. 455.

at Santa Fé, by a Consul or Commercial Agent, and as in the existing state of our Relations with Mexico, the President is unwilling to confer upon you the appointment of Consul, which would require your recognition by that Government, previous to entering upon the discharge of your duties, he has thought proper to appoint you Commercial Agent at that place. Your recognition in this capacity by the local authorities, although always important as affording facilities in the discharge of your duties, is not indispensable. I now enclose a certificate of your appointment, a form of the Bond required to be given by you, and other Documents for the use of your Agency, a list of which is annexed. Also under separate envelopes you will receive a Seal of Office, a printed copy of the General Instructions to Consuls and Commercial Agents, and a printed Pamphlet of the Acts & Resolutions passed at the 2nd Session of the 28th Congress which contains the Act relating to drawback, above referred to, with the provisions of which it is important you should be fully acquainted.

I am Sir &c.

JAMES BUCHANAN.

P. S. It is expected that you will transmit semi-annually to the Department a Return of the Santa Fé Trade & also a Statement of the Fees received by you. The forms referred to in Articles 11 & 12 of the General Instructions do not accompany this letter, as they refer only to Seaports.

TO MR. DAVIS.[1]

DEPARTMENT OF STATE,
WASHINGTON, March 19, 1846.

HON. JOHN DAVIS,
(U. S. Senate)

SIR:

I have the honor to acknowledge the receipt of your letter of the 14th January, enclosing a petition addressed to this Department by Mrs. Sally Blake, relating to the expense incurred by her, in the case of one William Baird, who, having fled into the province of New Brunswick, after committing a burglary

[1] MSS. Department of State, 35 Domestic Letters, 438.

and robbery in her house at Boston, was delivered up by the British authorities to a constable of that city, upon a requisition issued by this Department, under the 10th article of the Treaty of August, 1842.

Baird was afterwards tried and convicted of this Burglary and robbery, in the municipal court of the city of Boston, and sentenced to the state's prison.

Mrs. Blake represents, "that she has incurred great costs and expense, all to the amount of $772.45 in pursuing and apprehending the said William Baird, and bringing him within the jurisdiction of Massachusetts," and "she prays the Department of State, that she may be reimbursed to the amount of said costs and expenses according to the provisions of the 10th article of the aforesaid treaty."

The question here presented received the attention of the Executive at an early day after the treaty went into operation, and the result is seen in the enclosed copy of a circular of this Department, which was prepared and printed at that time. When the offence committed is one of which the courts of the United States have cognisance, in such case the duty of apprehending the fugitive rests upon their officers, the whole proceeding against him is the concern of this Government, and the expense is defrayed by it. When the offence consists in the violation of a State or Territorial law, the delivery of the fugitive is required to be made to the authorities of the state or territory, and this Government has nothing to do with the expense attending his apprehension and delivery. Its agency in the matter consists simply and solely in issuing the "requisition requesting the delivery of the person charged" to "the authorities of such state or territory." All else is left to those authorities. It is for them to determine, what the proceeding shall be, for apprehending the fugitive and for bringing him back within their jurisdiction, and to decide at whose expense such proceeding shall be had, whether at that of the public or of the individual prosecutor.

Such are the rules which were established at the time referred to. After a careful consideration of the subject, I cannot perceive any reason whatever for reversing them or departing from them in any way. On the contrary, it is my own opinion, also, most clearly and decidedly, that the expense attending the apprehension of fugitives charged with offences against the laws of one of the states, and their delivery to the authorities of such state, should not be borne by the United States.

Under the supposition that the vouchers and other documents accompanying the petition may be wanted by Mrs. Blake, they are herewith returned.

I am, &c.

JAMES BUCHANAN.

TO MR. INGERSOLL.[1]

DEPARTMENT OF STATE,
WASHINGTON, 19 March, 1846.

SIR: By direction of the President, I transmit to you two communications from Mr. Calderon, the Spanish Minister, dated 4th December, 1844, and 29th January, 1846, on the subject of the schooner Amistad. From these it will be seen that his Government is anxious and urgent to bring this long pending controversy to a conclusion. So long as it shall remain unsettled, it cannot fail to prove a source of irritation and discord between the two countries, highly prejudicial in many respects to the interest of the United States.

The Spanish Minister rests the claim in this case upon the 8th, 9th, and 10th Articles of our ancient Treaty of Friendship, limits and navigation with that power, concluded on the 27th of October, 1795; and whilst it might not be becoming in me to express here an opinion in regard to its validity, I may be permitted to state to the Committee my firm belief that it well deserves their prompt and serious consideration. Of the sincerity and good faith of the Spanish Government in urging this claim, and their deep conviction that the casus fœderis has occurred, a rational doubt cannot be entertained. It is also equally certain that strong reasons exist in support of this construction of the Treaty, independently of those principles of public law which have been so ably invoked in favor of the claim by the committee in their report of April 16, 1844.

I am, &c.

JAMES BUCHANAN.

HON. CHARLES J. INGERSOLL
(Chairman of the Committee of Foreign Affairs
in the House of Representatives.)

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[1] MS. Report Book, VI. 180; S. Ex. Doc. 29, 31 Cong. 2 Sess. 6.

MESSAGE OF PRESIDENT POLK

ON THE REFUND OF DUTIES.[1]

[March 23, 1846.]

To the Senate and House of Representatives of the United States:

I transmit, for your consideration, a correspondence between the minister of her Britannic majesty in Washington and the Secretary of State, containing an arrangement for the adjustment and payment of the claims of the respective governments upon each other, arising from the collection of certain import duties in violation of the second article of the commercial convention of 3d July, 1815, between the two countries; and I respectfully submit to Congress the propriety of making provision to carry this arrangement into effect.

The second article of this convention provides that "no higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce, or manufacture of his Britannic majesty's territories in Europe, and no higher or other duties shall be imposed on the importation into the territories of his Britannic majesty in Europe of any articles the growth, produce, or manufacture of the United States, than are or shall be payable on the like articles, being the growth, produce, or manufacture of any other foreign country."

Previous to the act of Parliament of the 13th of August, 1836, the duty on foreign rough rice imported into Great Britain was two shillings and six pence sterling per bushel. By this act the duty was reduced to one penny per quarter (of eight bushels) on the rough rice "imported from the west coast of Africa." Upon the earnest and repeated remonstrances of our ministers at London, in opposition to this discrimination against American and in favor of African rice, as a violation of the subsisting convention, Parliament, by the act of 9th July, 1842, again equalized the duty on all foreign rough rice by fixing it at seven shillings per quarter. In the intervening period, however, of nearly six years, large importations had been made into Great Britain of American rough rice, which was subjected to a duty of two shillings and sixpence per bushel; but the importers, knowing their rights under the convention, claimed that it should be admitted at the rate of one penny per quarter, the duty imposed on African rice. This claim was resisted by the British government, and the excess of duty was paid, at the first, under protest, and afterwards, in consequence of an arrangement with the board of customs, by the deposit of exchequer bills.

It seems to have been a clear violation both of the letter and spirit of the convention to admit rough rice, "the growth" of Africa, at one penny per quarter, whilst the very same article, "the growth" of the United States, was charged with a duty of two shillings and sixpence per bushel.

The claim of Great Britain, under the same article of the convention, is founded on the tariff act of 30th August, 1842. Its twenty-fifth section provides "that nothing in this act contained shall apply to goods shipped in a vessel bound to any port of the United States, actually having left her last port of lading eastward of the Cape of Good Hope, or beyond Cape Horn, prior to the first day of September, 1842; and all legal provision and regu-

[1] H. Ex. Doc. 169, 29 Cong. 1 Sess. 1.

lations existing immediately before the 30th day of June, 1842, shall be applied to importations which may be made in vessels which have left such last port of lading eastward of the Cape of Good Hope, or beyond Cape Horn, prior to said first day of September, 1842."

The British government contends that it was a violation of the second article of the convention for this act to require that "articles the growth, produce, or manufacture" of Great Britain, when imported into the United States in vessels which had left their last port of lading in Great Britain prior to the first day of September, 1842, should pay any "higher or other duties" than were imposed on "like articles" "the growth, produce, or manufacture" of countries beyond the Cape of Good Hope and Cape Horn.

Upon a careful consideration of the subject, I arrived at the conclusion that this claim on the part of the British government was well founded. I deem it unnecessary to state my reasons at length for adopting this opinion, the whole subject being fully explained in the letter of the Secretary of the Treasury and the accompanying papers.

The amount necessary to satisfy the British claim cannot at present be ascertained with any degree of accuracy, no individual having yet presented his case to the government of the United States. It is not apprehended that the amount will be large. After such examination of the subject as it has been in his power to make, the Secretary of the Treasury believes that it will not exceed $100,000.

On the other hand, the claims of the importers of rough rice into Great Britain have been already ascertained, as the duties were paid either under protest or in exchequer bills. Their amount is stated by Mr. Everett, our late minister at London, in a despatch dated June 1, 1843, to be £88,886 16*s.* 10*d.* sterling, of which £60,006 0*s.* 4*d.* belong to citizens of the United States.

As it may be long before the amount of the British claim can be ascertained, and it would be unreasonable to postpone payment to the American claimants until this can be adjusted, it has been proposed to the British government immediately to refund the excess of duties collected by it on American rough rice. I should entertain a confident hope that this proposal would be accepted, should the arrangement concluded be sanctioned by an act of Congress making provision for the return of the duties in question. The claimants might then be paid as they present their demands, properly authenticated, to the Secretary of the Treasury.

JAMES K. POLK.

WASHINGTON, March 23, 1846.

MESSAGE OF PRESIDENT POLK

ON THE INCREASE OF THE MILITARY OR NAVAL FORCE.[1]

[March 24, 1846.]

TO THE SENATE OF THE UNITED STATES:

In answer to the inquiry of the Senate, contained in their resolution of the 17th instant, whether, in my "judgment, any circumstances connected with,

[1] S. Doc. 248, 29 Cong. 1 Sess.

or growing out of, the foreign relations of this country, require at this time an increase of our naval or military force," and, if so, "what those circumstances are," I have to express the opinion that a wise precaution demands such increase.

In my annual message of the 2d of December last, I recommended to the favorable consideration of Congress an increase of our naval force, especially of our steam navy, and the raising of an adequate military force to guard and protect such of our citizens as might think proper to emigrate to Oregon. Since that period I have seen no cause to recall or modify these recommendations. On the contrary, reasons exist which, in my judgment, render it proper not only that they should be promptly carried into effect, but that additional provision should be made for the public defense.

The consideration of such additional provision was brought before appropriate committees of the two Houses of Congress, in answer to calls made by them, in reports prepared, with my sanction, by the Secretary of War and the Secretary of the Navy, on the 29th of December and the 8th of January last; a mode of communication with Congress not unusual, and, under existing circumstances, believed to be most eligible. Subsequent events have confirmed me in the opinion that these recommendations were proper as precautionary measures.

It was a wise maxim of the Father of his Country, that "to be prepared for war is one of the most efficient means of preserving peace;" and that, "avoiding occasions of expense by cultivating peace," we should "remember, also, that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it." The general obligation to perform this duty is greatly strengthened by facts known to the whole world. A controversy respecting the Oregon Territory now exists between the United States and Great Britain; and while, as far as we know, the relations of the latter with all European nations are of the most pacific character, she is making unusual and extraordinary armaments and warlike preparations, naval and military, both at home and in her North American possessions.

It can not be disguised that, however sincere may be the desire of peace, in the event of a rupture these armaments and preparations would be used against our country. Whatever may have been the original purpose of these preparations, the fact is undoubted that they are now proceeding, in part, at least, with a view to the contingent possibility of a war with the United States. The general policy of making additional warlike preparations was distinctly announced, in the speech from the throne, as late as January last, and has since been reiterated by the ministers of the Crown in both houses of Parliament. Under this aspect of our relations with Great Britain, I can not doubt the propriety of increasing our means of defense, both by land and sea. This can give Great Britain no cause of offense, nor increase the danger of a rupture. If, on the contrary, we should fold our arms in security, and at last be suddenly involved in hostilities for the maintenance of our just rights without any adequate preparation, our responsibility to the country would be of the gravest character. Should collision between the two countries be avoided, as I sincerely trust it may be, the additional charge upon the Treasury, in making the necessary preparations, will not be lost; while, in the event of such a collision, they would be indispensable for the maintenance of our national rights and national honor.

I have seen no reason to change or modify the recommendations of my

annual message in regard to the Oregon question. The notice to abrogate the treaty of the 6th of August, 1827, is authorized by the treaty itself, and can not be regarded as a warlike measure; and I can not withhold my strong conviction that it should be promptly given. The other recommendations are in conformity with the existing treaty, and would afford to American citizens in Oregon no more than the same measure of protection which has long since been extended to British subjects in that Territory.

The state of our relations with Mexico is still in an unsettled condition. Since the meeting of Congress another revolution has taken place in that country, by which the Government has passed into the hands of new rulers. This event has procrastinated, and may possibly defeat, the settlement of the differences between the United States and that country. The minister of the United States to Mexico, at the date of the last advices, had not been received by the existing authorities. Demonstrations of a character hostile to the United States continue to be made in Mexico, which has rendered it proper, in my judgment, to keep nearly two-thirds of our Army on our southwestern frontier. In doing this, many of the regular military posts have been reduced to a small force, inadequate to their defense should an emergency arise.

In view of these "circumstances," it is my "judgment" that "an increase of our naval and military force is at this time required" to place the country in a suitable state of defense. At the same time, it is my settled purpose to pursue such a course of policy as may be best calculated to preserve, both with Great Britain and Mexico, an honorable peace, which nothing will so effectually promote as unanimity in our councils, and a firm maintenance of all our just rights.

JAMES K. POLK.

March 24, 1846.

TO MR. CAMPBELL.[1]

DEPARTMENT OF STATE,
WASHINGTON, March 25, 1846.

HON. W. W. CAMPBELL
(House of Representatives)

SIR:

I have the honor to acknowledge the receipt of your letter of the 21st instant, referring to a resolution recently adopted in the House of Representatives for the "appointment of a special committee to enquire and report what alteration ought to be made in the Consular system of the United States," and requesting that I would furnish the committee "with a statement of the fees received by each of the Consuls during the year 1845, and also the number of commercial and other Agents abroad, other

[1] MSS. Department of State, 35 Domestic Letters, 455.

than Ministers, Chargés, &c., giving their locations and duties, and the amount of compensation received by each for the year 1845."

In compliance with this request, I have the honor to enclose a list shewing the number, names, places of residence, and fees of the consuls and commercial Agents of the United States during the years 1844 and 1845, and also a printed copy of the general instructions, which defines their duties.

The statements of fees which the consuls and commercial Agents are required to transmit semi-annually to this Department being as yet very incomplete for the year 1845, I have, in order that the committee may form a more correct estimate of the annual receipts of each, caused the amount of fees received in 1844 to be included in the list.

In the settlement of the accounts of consuls & commercial agents, for disbursements made on account of destitute American seamen, they are allowed by the 5th Auditor of the Treasury a commission of 5 per cent. The Senate Document, No. 240, of the 1st Session, 28th Congress, Vol. 4, contains a statement of the commissions allowed by that officer during the years 1842 and 1843.

The 5th Auditor has been requested to furnish to this Department a statement of the aggregate amount of the same commissions corresponding to the year 1844, which will be transmitted to you as soon as received. This, added to the amount of fees, shown by the enclosed table, will show the sum-total received under both heads during that year.

I am, Sir, Very respectfully,

Your obedt. Servant,

JAMES BUCHANAN.

TO MR. WALKER.[1]

DEPARTMENT OF STATE,
WASHINGTON, March 25, 1846.

HON. ROBERT J. WALKER
(Secretary of the Treasury)

SIR:

I have the honor to acknowledge the receipt of your reply, dated the 15th December last, to my letter of the 22d November, communicating a note of the Minister of Portugal, of the 14th of the same month, presenting the claims of two importers of Portuguese Wines for the return of alleged excess of duty charged upon their importations. The documents in support of these claims have been returned by you to this Department, on the ground that they cannot be liquidated in the absence of a written evidence of Protest as required by circular instructions of the 15th of May last.

Your previous communication of 26th June, in reference to these claims, had been transmitted to the Minister of Portugal; and in his reply of the 7th July, after making some remarks to the effect that they ought to be settled as other similar claims had been, he solicits, in the event that the Treasury Department should not concur with his views, that an application be made to Congress for an appropriation, which should remove the obstacle to the liquidation of claims. Under these circumstances, I beg leave again to transmit to you the documents referred to, that you may be able to pursue the course which the matter appears to require. Be pleased to return to this Department the Minister's note of 14th November last.

I am, &c.

JAMES BUCHANAN.

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[1] MSS. Department of State, 35 Domestic Letters, 448. March 25, 1846, Mr. Buchanan enclosed to Mr. Ingersoll, chairman of the Committee on Foreign Affairs, House of Representatives, a copy of a note of the Portuguese minister, of January 19, 1846, on the subject of duties on the wines of Portugal. (35 Domestic Letters, 446.)

TO MR. BROWN.[1]

(No. 20.) DEPARTMENT OF STATE,
WASHINGTON, 26th March, 1846.

JOHN P. BROWN, ESQRE.,
&c., &c., Constantinople.

SIR:

I take an early occasion to acknowledge the receipt of your letter of the 5th January, communicating the private wishes of the Sultan to introduce, into his dominions, the culture of cotton, and with that view, to obtain, through the friendly aid of this Government, the services of skilful persons to proceed to Turkey, with the necessary seeds, implements, &c., &c., for the purpose of carrying this plan into execution.

The request of the Sultan, thus preferred through you, having been submitted to the President, and being regarded by him as a flattering mark of confidence on the part of His Highness in the friendly disposition of this Government, he has experienced no hesitation in giving to it his approbation. On my part, happy to do any thing in my power to foster sentiments so well calculated to promote the amicable relations which happily subsist between the two Governments, I have cheerfully accepted the trust. As a first step, deemed by me indispensable to the accomplishment of the Sultan's object, in a manner corresponding to the desire which I entertain to see his wishes fully and perfectly carried out, I secured the services of a gentleman long known to me and possessing my entire confidence; who, without delay, proceeded to the Southern States on this Mission.

The instructions by which he is to be governed, and the manner in which he is proceeding, will be seen from the accompanying copy of my letter to him, under date the 11th instant, and of a communication from him, dated at Charleston, South Carolina, on the 18th instant; the only one yet received. These papers will enable you to make known to His Highness the cordial good will with which the service asked by him is being rendered; and, at the same time, to gratify the desire he must feel, to learn what the prospect may be in regard to the accomplishment of his plan.

[1] MSS. Department of State, Instructions, Turkey, I. 316. Mr. Brown, after serving a number of years as dragoman of the American legation at Constantinople, was appointed secretary of legation and dragoman, and often served as chargé d'affaires ad interim. He died at his post in 1872, after a service of thirty-six years.

It will be perceived from my letter to Mr. Plitt, that the letter of credit for $2500, provided by order of the Sultan, to meet the disbursements in this country which might become requisite, has been duly accepted by Messrs: E. Lamb & Brother, of Boston.

Your despatches to No. 10, inclusive, have been received at this Department.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO MR. MANN.[1]

DEPARTMENT OF STATE,
WASHINGTON, 27th March, 1846.

To A. DUDLEY MANN, ESQRE.,
Special Agent of the United States
to the Kingdom of Hanover, &c., &c., &c.

SIR:

This Department has received information from several sources that His Hanoverian Majesty is desirous to conclude a new commercial treaty with the United States. To meet his wishes, you are herewith furnished with full powers for that purpose. Inasmuch as the Grand Duchy of Oldenburg is united with the Kingdom of Hanover in a commercial league, (the Steuer-Verein,) and as there is reason to believe that the Governments of Mecklenburg Schwerin and Mecklenburg Strelitz may desire to become parties to the same treaty, your full powers embrace all these States.

You are aware that a treaty of commerce and navigation already exists between Hanover and the United States, which was concluded at Berlin on the 20th day of May, 1840. This treaty provides for a perfect freedom and reciprocity in the direct trade between the two countries. Hanover has manifested much anxiety that the indirect trade should also be placed upon the

[1] MSS. Department of State, Special Missions, I. 239. Mr. Mann, besides being accredited to Hanover, was empowered to negotiate with Mecklenburg-Schwerin and Oldenburg. In 1850 he was empowered to negotiate a treaty with Switzerland. In 1853 he was appointed Assistant Secretary of State. During the Civil War he was a Confederate agent abroad.

same unrestricted footing. This will be accorded, provided Hanover will yield equivalents for such a concession, which she can do, not only without injury, but with benefit to herself.

A perfect reciprocity of navigation and commerce in the direct trade between any two countries is fair and equal. Both parties, to the extent of this trade, be it great or small, ought to be placed upon the same footing of equal competition. Not so with the indirect trade.—Should we concede such a privilege to Hanover and the Grand Duchy of Oldenburg, this would confer upon their vessels the advantage of carrying to the United States the productions of all countries for the supply of our twenty millions of people; whilst the reciprocal advantages which our vessels could derive from such an arrangement would be confined to carrying these productions for the supply of the two millions and a quarter of people within that Kingdom and Grand Duchy. This inequality is palpable, and must accrue to the benefit of Hanoverian and Oldenburg commerce and navigation. Such views you will not fail to present to these Governments.

Nevertheless, it is not believed that a concession of this nature on the part of the United States would materially injure our commerce or navigation. Hanover and Oldenburg do not possess within their limits the chief materials for ship building. These they must purchase from abroad. Their vessels are built at great expense, and their present commercial marine is inconsiderable. Besides, under the second article of the existing treaty with Hanover, this trade can only be conducted in vessels built within the United States and that Kingdom; and, in the new treaty which you are authorized to conclude, this provision must be retained. In this manner the ship building interest of our country will be encouraged; because nearly all the vessels which Hanoverian subjects may require to conduct this trade must be built within the United States and purchased from our citizens.

All the articles in our present treaty with Hanover, with two exceptions, may be included in the new treaty, changing their phraseology so as to embrace Oldenburg.

1. Instead of the second article, the first article of our treaty of the 20th December, 1827, with the Hanseatic Republics may be substituted. This article will confer upon Hanover and Oldenburg the same general reciprocity in commerce and navigation, both in the direct and indirect trade with the United States now enjoyed by these Republics. Care must be taken however to insert at the end of this article the provision con-

tained in the second article of our subsisting treaty with Hanover, confining the benefits of the trade to vessels built within the territories of the respective parties.

2. The ninth article of our present treaty with Hanover should be changed so as to substitute ten for twelve years, in accordance with our usual practice.

You are to conclude no treaty, however, unless the Governments of Hanover and Oldenburg shall stipulate for the following equivalents.

Four of our great staples, cotton, tobacco, rice, and whale oil are not only largely consumed by the population of Hanover and Oldenburg, but are transported through their territories into the heart of Germany, for the consumption of other German States. At present, these articles pay considerable transit duties, to the injury of the United States. Hanover and Oldenburg, in order to promote their own internal trade, and to increase the transportation on their railroads, ought to abolish the transit duties on these and all other articles, the growth, produce, or manufacture of our country. If the Hanoverian and Oldenburg Governments will not consent to abolish these duties, they ought, at the least, to reduce them to such a nominal rate as may be necessary for a mere police regulation.

Without such an abolition or reduction of the transit duties on the four important articles of cotton, tobacco, rice, and whale oil, you are not authorized to conclude a treaty.

The import duty on tobacco in the Kingdom of Hanover and Grand Duchy of Oldenburg is now but 69 cents on the hundred pounds; and a very large amount of American tobacco is consumed in proportion to their population. In the States composing the Zollverein the duty on tobacco is $3.33 per hundred pounds; nearly five times the amount of the Hanoverian and Oldenburg duty. The Consul of the United States to Hanover has informed this Department, that the States of Northern Germany, not belonging to the Zollverein, with a population of about 3,000,000, consume annually about 10,000,000 lbs. of American tobacco; whilst the States embraced within the Zollverein, with a population of twenty-eight millions, consume but 24,000,000 lbs. of American tobacco. The protective duty which the latter States levy in favor of their domestic article enables them to raise about fifty-six millions of pounds of tobacco for their own consumption.

Prussia and the other States of the Zollverein are extremely

anxious that Hanover and Oldenburg should join their league, but the King of Hanover has resolutely resisted this measure. Serious apprehensions are entertained that after his death, and he is now old and infirm, his successor may be prevailed upon to change his father's policy in this particular. In that event, the present low rate of duty on American tobacco would be raised to the standard of the Zollverein; and the tobacco grown in the States of this league would come into competition even in Hanover and Oldenburg with the tobacco of the United States, with this heavy discrimination against the latter. Whereas if Hanover and Oldenburg should conclude a treaty with the United States, stipulating against any increase in the existing rate of duty on tobacco, this would not only secure to us a continuance of those markets upon the present favorable terms, but, in the end, might constrain the States of the Zollverein to reduce their duty to the same standard. This would certainly be the case if these two States should join the league whilst the treaty remained in force. It would be of the first importance to this great agricultural interest of our country could this object be accomplished.

You are, therefore, instructed not to conclude a treaty with Hanover and Oldenburg, unless the Governments of these countries should stipulate not to increase their present rate of duty on tobacco.

The duties imposed upon all American productions in the Kingdom of Hanover and Grand Duchy of Oldenburg are moderate, when compared with those of the Zollverein. You will, therefore, exert your best efforts to make the stipulation general in regard to all our productions, or as many of them as possible. Cotton is an article which will take care of itself; but still it would be of importance that Hanover and Oldenburg should abolish the duty at present imposed upon raw cotton, and agree to admit it hereafter free.

It is understood that great efforts have been made by Prussia to induce Hanover, Oldenburg, the two Mecklenburgs, and the Hanseatic Republics to join the Zollverein. Should she succeed in accomplishing this object, even with respect to Hanover, the United States would lose much of the trade they at present enjoy with the north of Germany. Besides, the accession of the Kingdom of Hanover to the Zollverein, both from its territorial extent and position, and from its influence, would, most probably, ere long, induce the other northern German States just mentioned to follow its example. In that event, as the policy

of the Zollverein is becoming gradually more restrictive, the change might prove eminently prejudicial to American commerce. In regard to the article of tobacco alone, not to mention others, this might eventually lead to the establishment, throughout all those States, of a *régie* such as now exists in France and other European States, both for the sake of revenue and to encourage the growth of the domestic product. These prospective injuries to our commerce may not only be averted, but the present Zollverein may be constrained not to increase, if they should not reduce, their present duties on American productions; provided the Hanse Towns, and the States of Mecklenburg, Hanover, and Oldenburg, stretching as they do along the Baltic and the North Sea, from Prussia to the Netherlands, shall resolutely remain separated from the league. To maintain this separation and the system of low duties generally is the policy of the present King of Hanover; and it is this reason which has, as we understand, prompted his desire to conclude a commercial treaty with the United States, upon the terms which I have indicated. It is proper that this information should be communicated to you; but it is equally proper that you should not impart it to any other person.

You will be furnished with copies of all the papers in the Department necessary to enable you to enforce the views which I have presented; and I am happy to know that your own information on the subject is both minute and extensive.

Should the Governments of Hanover and Oldenburg propose to insert stipulations in the treaty limiting the rates of duty to be imposed in the United States on their productions, you can furnish them with conclusive answers to such a proposition.

In the first place: It may be regarded as doubtful whether, under the Federal Constitution, the right to enter into any such stipulation is embraced in the treaty-making power; and it is certain that it could not be carried into effect without the authority of a previous act of Congress.

2. It would encounter insurmountable obstacles in the Senate; and you can cite the proceedings of that body on the Zollverein treaty, in support of this position.

3. It would give rise to claims of foreign Powers, for similar privileges, under existing treaties. Indeed the British Government had intimated their intention to assert such a claim, on the presumption that the Zollverein treaty would be ratified.

4. The contemplated change in our tariff laws would render

such a stipulation unnecessary for the benefit of Hanover and Oldenburg.

These reasons to which I have merely adverted, you can develop at greater length.

It may be wise to insert a provision in the treaty to enable the Duchies of Meckenburg Schwerin and Strelitz to become parties to it hereafter, should they be unwilling to do so at present.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

LIST OF PAPERS ACCOMPANYING MR. MANN'S INSTRUCTIONS.

1. Full Powers.
2. Letters to the Minister of Foreign Affairs of Hanover, of Oldenburg, of Mecklenburg Schwerin, and of Mecklenburg Strelitz.
3. Copy of the letter from the Secretary of State, Decr. 6, 1845, to Edward Stucker, Esqre., pro tem. Consul of Hanover.
4. Printed copy of the existing treaty with Hanover.
5. Suggestive drafts of new articles.
6. Copies of three letters (Nos. 33, 36, 38) of Mr. Graebe, U. S. Consul, Hesse Cassel.
7. Copies of Mr. Gevekoht's communications of Feby. 2 and Feby. 9, 1846.
8. Passport as Bearer of Despatches to Berlin, *via* London and Paris.

TO MR. KING.[1]

(No. 28.) DEPARTMENT OF STATE,
WASHINGTON, 27th March, 1846.

WILLIAM R. KING, ESQRE.,
&c., &c., &c.

SIR:

Your despatches to No. 26, inclusive, have been duly received.

I have read with much interest the correspondence between yourself and the French Minister of Foreign Affairs, transmitted with your letters of the 29th January and 28th February, on the subject of the régie tobacco contracts. Having submitted these papers to the President for perusal, I am now directed to convey to you the expression of his satisfaction with the result of your efforts in obtaining from the French Government a prospective

[1] MSS. Department of State, Instruction, France, XV. 39.

discontinuance of the exclusive privilege of transporting from the United States tobacco for the régie recently accorded to French vessels; as well as with the ready attention which His Majesty's Government has given to your representations on the subject.

Their conduct, in this respect, is properly appreciated by the President; although, at the same time, he believes that the privilege against which you so justly remonstrated was a violation of the subsisting treaty.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO MR. McLANE.[1]

(No. 26.) DEPARTMENT OF STATE,
WASHINGTON, 28th March, 1846.

LOUIS McLANE, ESQRE.,
&c., &c., &c.

SIR: Your despatch No. 35, dated on the 3d, was received on the 21st instant.

My despatch No. 23, of the 26th, February last, was so full and explicit in relation to the Oregon question as to leave nothing for me to say upon that subject, except merely to answer some of the inquiries contained in your No. 35 which had not been anticipated.

You understand Lord Aberdeen to have stated that if no sufficient encouragement to renew the negotiation on the basis of compromise should be held out by my answer to the last proposition of the British Government for arbitration, in such case one of the alternatives left him might be to offer a proposition through yourself to this Government. Should the contingency occur, his Lordship may adopt this course, if he thinks proper. You are authorized to receive and transmit to this Department any proposition made by him; but in no event will the President consent to transfer the negotiation to London. The reasons against this are, in his opinion, conclusive, and will readily occur to your own mind.

[1] MSS. Department of State, Instructions, Great Britain, XV. 308. Printed in S. Doc. 489, 29 Cong. 1 Sess. 44, with the omission of the postscript, except the first sentence of it.

We have but little information to be relied upon in regard to the navigableness of the Columbia river and its branches, north of the parallel of 49°; but there is no reason to doubt that they are navigable for boats and bateaux of a few tons burden. We understand that it is by this mode that the Hudson's Bay Company convey furs and other articles from several of their remote stations to their general depôt at Fort Vancouver, and receive their supplies from thence. For information upon this subject, I refer you to Senate document No. 39, of the 2d session of the 21st Congress, and especially to the report of Joshua Pilcher (a highly respectable man,) to the Secretary of War. (Vol. 1, Jany. 25, 1831.) You will doubtless find this volume in the library of your Legation; but lest it might not be there, I shall transcribe a few sentences from that report. He says, (p. 10.) "I set out from fort Colville the 21st of September, 1829, in company with six men of the post, carrying the annual express or packet across the continent. Our route was up the main river Columbia; our conveyance a bateau of four or five tons. In this bateau we ascended the river about three hundred miles, where the river divides into three forks; the main one being still navigable to its head, which issues from a lake in the Rocky Mountains. At the three forks, which is called the Boat Encampment, because it is the place where the boats are left, and the portage across the mountains commenced, we began our overland journey. We arrived at the boat encampment on the 4th October, and remained there until the 2d November, waiting for the arrival of a party from Hudson's Bay," &c., &c. "On the 4th we set out. We were still six in company, five besides myself, all on horseback; *we* taking the horses of the party just arrived, and *they* taking the bateau in which we had ascended the river. The weather was still mild, no appearance of ice, and the river reported by all the company to remain open the winter through," &c., &c.

In the second volume of Cox's Columbia River, chapter viii, page 162, you will find that there are a number of portages around its rapids.

I am, Sir, very respectfully,

Your obedient servant,

JAMES BUCHANAN.

P. S.—A copy of the Senate document from which the above quotations are made having been procured, it is herewith

transmitted. I also enclose, as being documents of interest, printed copies of two Executive Messages—the first of which communicates to Congress the recent correspondence between this Department and the British Legation here, respecting the return of duties levied by either party in violation of the 2d article of the commercial convention between the United States and Great Britain—the second is the answer of the President to a resolution of inquiry of the Senate, relative to the expediency of increasing the military and naval defences of the country.

TO MR. HARRIS.[1]

No. 1. DEPARTMENT OF STATE,
WASHINGTON, 30th March, 1846.

TO WILLIAM A. HARRIS, ESQUIRE,
etc., etc., etc.

SIR:

I refer you to the instructions given by this Department to Messrs. Watterson and Brent, of the 29th September, 1843, and of the 15th July, 1844, for your guidance so far as they are applicable to the present posture of our relations with the Argentine Republic. Copies of these instructions will be found among the archives of your Legation.

You are herewith furnished with full powers to conclude a Treaty of Commerce and Navigation with that Republic. The strong sympathy and kindness which now exist between the two Republics, and which I trust may prove permanent, might be greatly strengthened by the more extended commercial relations which such a measure could not fail to produce. It is of great importance to our navigating and commercial interests that they should be placed on a more secure and satisfactory basis than they are at present in their trade with Buenos Ayres. This would seem to be a propitious moment to urge such a treaty.

This Government sincerely believes that such a Treaty would be beneficial to both countries. The United States desire no advantages over other nations. All they wish is a perfect reciprocity in trade. The civilized world is now rapidly advancing

[1] MSS. Department of State, Instructions, Argentine Republic, XV. 19. Mr. Harris was commissioned chargé d'affaires to the Argentine Republic, February 19, 1846.

towards this enlightened policy; and experience has already proved that its universal prevalence,—so far at least as regards the direct trade,—would be beneficial to all nations. This policy was adopted by us at an early period, and has been presented to the world in the Acts of Congress of March 3, 1815, January 7th, 1824, and May 24th, 1828.

The two first of these Acts offer to all nations to admit their vessels, laden with their own productions, into the ports of the United States on payment of the same duties of tonnage and impost exacted from our vessels; provided similar advantages shall be extended by them to American vessels. The Act of 1828 proceeds much further. It abolishes all distinctions both in regard to the origin of the productions and the place from which they are imported. It offers to throw wide open the ports of the United States to the vessels of all nations, with their cargoes, no matter to what countries those cargoes may owe their origin, upon the payment of the same duties with our own vessels; provided such nations shall extend similar privileges in their ports to vessels of the United States and their cargoes.

You are authorized to conclude a Treaty of Commerce and Navigation with the Argentine Republic upon the most extended principles of reciprocity; and this the Government of the United States would prefer. Should the Argentine Government however, decline to treat upon these liberal terms and prefer to confine this reciprocity to the direct trade between the two countries, the President would be satisfied with this basis.

You will find models of a reciprocal Treaty of Commerce in every variety of form in Elliott's American Diplomatic Code, now in the Library of your Legation. This furnishes many precedents, as we have either concluded such treaties, or by means of legislation made commercial arrangements of the same character, with almost every civilized nation.

Reasons may exist why the Argentine Government would prefer to treat at Washington rather than at Buenos Ayres. Should this prove to be the case, you will exert yourself to induce it to send full powers to their minister in the United States.

This Government has sent Edward A. Hopkins, Esq., as a confidential agent to Paraguay for the purpose of obtaining information concerning the political condition and commercial resources of that country, with a view to the acknowledgment of its independence. You will find among the archives of your Legation a copy of the instructions to that gentleman under date

of the 10th June, 1845. Since the date of those instructions, the Government of Paraguay has made a formal application through the Government of Brazil to that of the United States to acknowledge its independence. You will be furnished with a copy of the note of Mr. Lisboa, the Brazilian Minister here, containing this request, dated 10th February, 1846.

You are aware that it is the settled policy of the United States to recognize the independence of all governments which have manifested to the world that they are de facto independent. This duty has been eagerly performed towards our sister Republics on this continent. The information already in our possession, especially that which has been communicated by Mr. Lisboa, would justify this Government in promptly acknowledging the independence of Paraguay. Notwithstanding this information, the President has determined to suspend action upon this subject for the present, purely from regard to the Argentine Republic and in consideration of the heroic struggle which it is now maintaining against the armed intervention of Great Britain and France in the concerns of the Republics on the La Plata and its tributaries. He could not give a more striking proof than this of his friendship for the Argentine Republic.

This determination has been adopted upon the earnest and urgent solicitation of General Alvear, the highly esteemed Minister of the Argentine Republic to the United States. He has strongly represented that the recognition of the independence of Paraguay, at the present critical moment, when the combined fleets of Great Britain and France are attempting to force a passage up the La Plata and the Parana to that Republic, would be construed into a concurrence on our part with the hostile measures of these two Powers against the Argentine Republic. The President will abstain from any act which could be susceptible of such a construction. His sympathies, in common with those of the people of the United States, have been warmly enlisted in favor of the Argentine Republic in the noble resistance which it is now maintaining against European intervention and armed dictation in the affairs of this continent. Besides, General Alvear has assured me, in the strongest terms, that should Great Britain and France be able to extort any privileges from his Government in regard to the navigation of the La Plata and its tributaries, these shall be immediately and cheerfully extended to the United States.

The reasons for this delay to recognise the independence

of Paraguay have been greatly strengthened by the information recently received at the Department of the declaration of war by that Republic against Buenos Ayres. No matter what may have been the motives which dictated this declaration Paraguay has thus become, in fact, an ally of Great Britain and France in their intervention in the affairs of the Republics on the La Plata. Nevertheless, you are instructed to prepare the Argentine Government for our recognition of the independence of Paraguay. Inform the authorities that this acknowledgment will be made, when the proper time shall arrive in pursuance of the long established and well settled policy of the American Government, and without the slightest intention or disposition to interfere with the rights of the Argentine Republic. This precaution on your part is proper, as our recognition of Paraguay may be hastened by the necessity of securing to the United States, in a kind and peaceful manner, the same advantages in trade with that Republic, which Great Britain and France are now endeavoring to obtain by force.

You will not fail to communicate regularly to this Department all the information which you can procure of an interesting character to your country, concerning Paraguay and the other States bordering on the La Plata and its tributaries.

The late annual message of the President to Congress has so clearly presented the great American doctrines in opposition to this interference of European Governments in the internal concerns of the nations of this continent, that it is deemed unnecessary to add another word upon this subject. That Great Britain and France have flagrantly violated this principle by their armed intervention on the La Plata is manifest to the whole world. Whilst existing circumstances render it impossible for the United States to take a part in the present war, yet the President desires that the whole moral influence of this Republic should be cast into the scale of the injured party. We cordially wish the Argentine Republic success in its struggle against foreign interference. It is for these reasons, that although the Government of the United States never did authorise your predecessor Mr. Brent to offer his mediation in the affairs of Great Britain, France and the Argentine Republic, this act has not been publickly disavowed. His example, however, is not to be followed by you without express instructions. An offer of mediation by one nation in the disputes of other nations is an act of too much importance and may involve consequences too

serious to be undertaken by a diplomatic agent on his own responsibility.

Mr. Pakenham on the 7th November, last, placed in my hands the copy of a despatch from Lord Aberdeen to himself under date the 3d of October, last, with which you shall be furnished. From this it would appear that Great Britain and France in their armed intervention have no view to territorial aggrandisement on the La Plata. It will be your duty closely to watch the movements of these two Powers in that region; and should either of them in violation of this declaration attempt to make territorial acquisitions, you will immediately communicate the fact to this Government.

The tribute of respect paid by the Government of the Argentine Confederation to the memory of General Jackson, has made a deep impression upon the President and people of the United States. Their decree has been officially communicated to the Department by General Alvear, and under the instruction of the President, I have made a suitable response. It is desired further that you should embrace the first proper occasion to make known to the Argentine Government with what a grateful spirit the President has received this testimonial of respect to the merits and virtues of the greatest hero and statesman who has adorned and illustrated this Republic since the days of the father of his country. General Rosas knows how to appreciate his excellence.

In conclusion I would remark that much depends upon the personal deportment of foreign ministers in conciliating esteem and friendship in the countries where they are accredited. It is both the policy and the inclination of the United States to cultivate the most friendly relations with all nations and especially with our Sister Republics upon this continent. We are separated from Europe by a vast ocean and still more widely by our free Republican institutions. A spirit should be cherished among all the nations on this continent to resist European interference and maintain the freedom and independence of each of their Governments. The Government and people of the Argentine Republic have manifested to the world by their conduct that they feel the importance of asserting these principles, and that they have the courage to maintain them against two of the greatest powers of Europe. It should, therefore, be your constant effort both in your public and private intercourse to impress upon that Government and people how deep an interest we feel in their success, and how anxious we are to cultivate with them the most

friendly relations. Convince them by your conduct that we are truly their friends, and they will continue to be ours. Your mission is one of great importance and responsibility, and you have my best wishes for your success in accomplishing its important objects.

I am, Sir, very respectfully, your obedient servant,

JAMES BUCHANAN.

TO MR. HOPKINS.[1]

(No. 2.) DEPARTMENT OF STATE,
WASHINGTON, 30th March, 1846.

TO EDWARD A. HOPKINS, ESQUIRE,
&c. &c. &c.

SIR:

Your despatch (No. 5) dated "31st" November, 1845, was received at this Department on the 12th instant. From its tenor, I am sorry to perceive that you have transcended your instructions. By them you were not invested with a diplomatic character. You were sent abroad merely as a special agent to Paraguay, the object of your mission being solely to obtain the information necessary to enable the President and Congress to decide whether its independence ought to be recognised by the United States. You were also instructed to express to the President of that Republic the deep interest felt by the American Government in the success and prosperity of his country.

The utmost extent of your authority is embraced in the following sentences quoted from your instructions. "Should that Government (of Paraguay) have proceeded in regular order, maintaining the rights and performing the duties of an independent power, more especially should it have been treated as such by the surrounding nations, the President will not fail to recommend to Congress at its next session the recognition of its independence. Should it have acquired, in your opinion, the firmness and consistency of an independent nation, you might suggest that the President would be pleased to see a diplomatic agent from Paraguay in the United States on the meeting of Congress in December, next, and that he entertains not the least doubt but that its independence would be speedily recognised by that enlightened Body. The President would then be

[1] MSS. Department of State, Special Missions, I. 235.

prepared to enter into commercial arrangements with Paraguay on the most liberal terms."

You were not furnished with a letter of credence to the Minister for Foreign Affairs of Paraguay, nor with any powers whatever to negotiate or to act in a diplomatic character. You can then readily realize my astonishment in perusing your despatch, when I found that, on the third day after your arrival in Assumption, having stated to the President of Paraguay that you were invested with "a diplomatic character," you had presented to him a note (a copy of which you have omitted to transmit) whereby you "have fully and explicitly committed the President on the subject of the recognition of the independence of Paraguay by the next Congress of the United States;" and have informed him that "you were authorised to offer the mediation of the United States, between the Governments of Paraguay and Buenos Ayres, to the end that an amicable adjustment may be made of the difficulties which now interrupt their harmony," &c. &c.

An offer of mediation by one independent nation to settle difficulties between two other independent nations, is a high exercise of sovereign power, involving considerations of the utmost delicacy and importance. Such a step ought not to be taken even by an accredited minister without express authority from his Government. On the present occasion this unauthorized proceeding on your part may involve your country in serious difficulties before the mischief can be arrested by making known the true state of the facts. At the time when this offer was made by you, the President of Paraguay had entered into an alliance offensive and defensive with Corrientes against the Argentine Republic, and was marching troops into that province; and a few days thereafter, on the 4th December, he published a solemn declaration of war against Buenos Ayres, a copy of which accompanied your despatch.

It is unnecessary to recapitulate your proceedings. Suffice it to say that they have all been based upon this offer, and that they have been in violation of two time honored principles which have long regulated the policy of the United States towards foreign nations.

The first is, not to interfere with other nations either in regard to their internal concerns or their controversies with each other.

And the second to oppose the intervention of foreign

European Powers in the affairs of the independent American nations. The league of Paraguay with Corrientes against President Rosas, whatever may have been the intention of the parties, will in fact make Paraguay the ally of Great Britain and France in their designs on the American continent. Paraguay, by pursuing this course, has placed every thing at hazard, and has deprived the United States of the opportunity to interpose their good offices with the Argentine Government for her benefit, with any hope of success.

I am directed by the President to instruct you to return to the United States immediately upon the receipt of this communication. At the time of your departure he had confidently hoped that you would be in this City in time to make your final report before the close of the present session of Congress.

In taking leave of the President of Paraguay you will assure him that the President of the United States still entertains the strongest and kindest feelings for the Republic and people of Paraguay, and that whenever circumstances shall enable him to manifest these feelings by his conduct, he will eagerly embrace the opportunity. He regrets extremely that the civil war now raging between the Argentine Republic and one of its provinces, with which Paraguay has entered into an alliance offensive and defensive, may postpone for a season the execution of his intention; but he still cherishes the hope that it will be in his power at no distant day to recognize the independence of Paraguay and bid her welcome into the family of nations.

It is not intended by these instructions to express any harsh disapprobation of your conduct. I have no doubt it proceeded from the best motives, and that you were actuated by an eager desire to serve your country. Much of the information which you have communicated respecting Paraguay is both novel and important, and may hereafter be useful.

Mr. Wise, the Minister of the United States at Rio de Janeiro, will be authorized to honor your draughts to the amount of twelve hundred dollars. That sum it is presumed will, in addition to the sums for which you have already drawn, be sufficient to supply your wants until your return to this country. You may, therefore, draw upon him at your convenience for that sum or such portions of it as you may require.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

MESSAGE OF PRESIDENT POLK

ON THE NORTHEASTERN BOUNDARY.[1]

[April 3, 1846.]

To the Senate of the United States:

I transmit herewith a report from the Acting Secretary of State, with accompanying papers, in answer to the resolution of the Senate of the 23d ultimo, requesting the President to communicate to that body, "if not incompatible with public interests, any correspondence which took place between the Government of the United States and that of Great Britain, on the subject of the northeastern boundary, between the 20th of June, 1840, and the 4th of March, 1841."

James K. Polk.

Washington, April 3, 1846.

MESSAGE OF PRESIDENT POLK

ON THE OREGON TERRITORY.[2]

[April 13, 1846.]

To the Senate of the United States:

In answer to the resolution of the Senate of the 11th instant, calling for "copies of any correspondence that may have taken place, between the authorities of the United States and those of Great Britain, since the last documents transmitted to Congress, in relation to the subject of the Oregon Territory, or so much thereof as may be communicated without detriment to the public interest," I have to state that no correspondence in relation to the Oregon Territory has taken place between the authorities of the United States and those of Great Britain since the date of the last documents on the subject transmitted by me to Congress.

James K. Polk.

Washington, April 13, 1846.

TO MR. POLK.[3]

(No. 7.) Department of State,
Washington, 14th April, 1846.

William H. Polk, Esqre.,
&c., &c., Naples.

Sir:

I transmit to you, with this despatch, a ratified copy of the Treaty of Commerce and Navigation between the United States of America and His Majesty the King of the Kingdom of the

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[1] S. Doc. 274, 29 Cong. 1 Sess.

[2] S. Doc. 297, 29 Cong. 1 Sess.

[3] MSS. Department of State, Instructions, Two Sicilies, XIV. 37.

Two Sicilies, concluded and signed by you, at Naples, on the 1st of December last; which has been approved and ratified by the President, by and with the advice and consent of the Senate. I transmit, at the same time, a special power from the President, authorising you to exchange the ratifications of the Treaty.

The time limited for this exchange having so nearly expired, the President has thought it expedient to commit the Treaty to the care of Mr. Washington Greenhow, as special Bearer of Despatches, who will be directed to proceed without any delay to Naples, for the purpose of placing it, and this despatch, in your hands. Mr. Greenhow will also be instructed to take charge of the exchange copy of the Treaty, which you will be pleased to deliver to him for this Department.

No despatch has been received from you since that of the 1st of December last, (which is not numbered), nor any other, except a previous one of the 26th of July, which is numbered 1. You are particularly requested to transmit by Mr. Greenhow copies of any other despatches which you may have written; and you will be careful, in future, to number regularly all your despatches, and to conform in all other respects to your personal instructions.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO THE PRESIDENT.[1]

DEPARTMENT OF STATE,

WASHINGTON, April 15, 1846.

The Secretary of State, to whom has been referred the resolution of the Senate, of the 8th instant, requesting the President to communicate to that body, "any information in the possession of the Government, showing that complaints have been made by any of our vessels, of having been searched by the British cruisers, since the Washington Treaty of 1842; and, if so, the names of the vessels, together with the dates and places of such acts, and also copies of any correspondence that may have passed between the two Governments on the subject"—has the honor to

[1] MSS. Department of State, Report Book, VI. 194. This report was sent by the President to the Senate, April 20, 1846, and it is printed, with the message, in S. Doc. 300, 29 Cong. 1 Sess. 1.

report to the President the accompanying copies of papers, embracing the information and correspondence referred to in the resolution above cited.

Respectfully submitted.

JAMES BUCHANAN.

TO THE PRESIDENT OF THE UNITED STATES.

TO MR. TOBY.[1]

DEPARTMENT OF STATE,
WASHINGTON, April 16, 1846.

SIMEON TOBY, ESQ.
(President of the American Insurance Company
of the State of Penna., Philadelphia.)

SIR:

I have to acknowledge the receipt of your letter of the 14th instant, relative to the claim against the late Colombian Government in the case of the Josephine. In reply, I have to inform you, that the Chargés des Affaires of the United States at Bogota and Caracas have been instructed upon the subject, but circumstances have not yet enabled them to effect an adjustment. Towards the close of the last administration Mr. Delazon Smith was despatched as a Special Agent of the United States to Ecuador, for the purpose of endeavoring to obtain payment of the proportion due by that republic on account of the claims of our citizens against Colombia. On his arrival at Quito, however, he found that country in a state of almost hopeless anarchy, and therefore returned without accomplishing the object of his mission.

I am &c.

JAMES BUCHANAN.

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[1] MSS. Department of State, 35 Domestic Letters, 470.

TO SEÑOR CALDERON DE LA BARCA.[1]

DEPARTMENT OF STATE,
WASHINGTON, 17th April, 1846.

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of a note from Don A. Calderon de la Barca, Envoy Extraordinary and Minister Plenipotentiary of Spain, dated on the 29th January, on the subject of the Schooner Amistad; and to inform him that a copy of it, and of a previous note of the 4th December, 1844, addressed to his predecessor, on the same subject, have been submitted by this Department to the Committee on Foreign Affairs of the House of Representatives and recommended to their prompt and serious consideration.

The Undersigned transmits, enclosed, a copy of his communication to the Chairman of the Committee which accompanied the notes of the Minister of Spain; and avails himself of the occasion to renew to him the assurances of his high consideration.

JAMES BUCHANAN.

DON A. CALDERON DE LA BARCA, &c., &c., &c.

TO COMMANDER DE FIGANIÈRE E MORÃO.[2]

DEPARTMENT OF STATE,
WASHINGTON, 17th April, 1846.

THE COMMANDER,
J. C. DE FIGANIERE E MORAO,
&c., &c., Portugal.

SIR:

Your note of the 13th January, calling the attention of the Department to the three cases of kidnapped slaves, Portuguese property, by masters of American Whalers, was duly received

[1] MSS. Department of State, Notes to Spanish Legation, VI. 137; S. Ex. Doc. 29, 31 Cong. 2 Sess. 5. See, as to the case of the Amistad, Moore, Digest of International Law, V. 852.

[2] MSS. Department of State, Notes to Portugal Legation, VI. 82. The Commander de Figaniere e Morao, after having served a term as chargé d'affaires of Portugal at Washington, held the rank of minister resident from Dec. 30, 1840, to Oct. 26, 1854, when he presented credentials as envoy extraordinary and minister plenipotentiary.

and transmitted to the Committee of Foreign Affairs of the Senate, with a communication under date of the 14th ultimo; of which you will find a copy enclosed.

I have the honor to enclose, at the same time, copies of renewed instructions addressed by this Department to the District Attorneys of Massachusetts and Connecticut, on the 10th ultimo; calling their prompt and serious attention to the outrages complained of by Portugal.

I am, with great consideration,

Your obedient servant,

JAMES BUCHANAN.

TO THE PRESIDENT.[1]

DEPT. OF STATE,
WASHINGTON, April 20, 1846.

The Secretary of State, to whom has been referred the resolution of the H. of Representatives of the 9th instant, requesting the President to furnish to that House "an account of all payments made on President's certificates from the fund appropriated by law, through the agency of the State Department, for the contingent expenses of foreign intercourse, from the 4th of March, 1841, until the retirement of Daniel Webster from the Department of State; with copies of all entries, receipts, letters, vouchers, memorandums, or other evidence of such payments; to whom paid; for what; and particularly all concerning the northeastern boundary dispute with Great Britain; also, copies of whatever communications were made from the Secretary of State during the last session of the 27th Congress, particularly February, 1843, to Mr. Cushing and Mr. Adams, members of the committee of this house on Foreign Affairs, of the wish of the President of the United States to institute a special mission to Great Britain; also copies of all letters on the books of the Department of State to any officer of the United States, or any person in New York, concerning Alexander McLeod;" with instructions to lay before the President such part of the papers called for in the said resolution as are embraced under the designation of "whatever communications were made from the Secretary of State during the last session of the 27th Congress, particularly February, 1843, to Mr. Cushing and

[1] H. Ex. Doc. 187, 29 Cong. 1 Sess. 5–6; MS. Report Book, VI. 194.

Mr. Adams, members of the committee of this house on Foreign Affairs, of the wish of the President of the United States to institute a special mission to Great Britain; also, copies of all letters on the books of the Department of State to any officer of the United States, or any person in New York, concerning Alexander McLeod"—has the honor to submit the accompanying papers, and to state that it does not appear from the records or files of this Department that any communication was "made from the Secretary of State during the last session of the 27th Congress to Mr. Cushing and Mr. Adams, members of the committee of the House of Representatives on Foreign Affairs, of the wish of the President of the U. S. to institute a special mission to Great Britain."

Respectfully submitted.

JAMES BUCHANAN.

TO THE PRESIDENT OF THE UNITED STATES.

MESSAGE OF PRESIDENT POLK

ON MR. WEBSTER'S EXPENDITURES IN CONNECTION WITH THE NORTHEASTERN BOUNDARY.[1]

[April 20, 1846.]

TO THE HOUSE OF REPRESENTATIVES:

I have considered the resolution of the House of Representatives of the 9th instant, by which I am requested "to cause to be furnished to that House an account of all payments made on President's certificates from the fund appropriated by law, through the agency of the State Department, for the contingent expenses of foreign intercourse, from the 4th of March, 1841, until the retirement of Daniel Webster from the Department of State; with copies of all entries, receipts, letters, vouchers, memorandums, or other evidence of such payments; to whom paid; for what; and particularly all concerning the northeastern-boundary dispute with Great Britain."

With an anxious desire to furnish to the House any information requested by that body which may be in the Executive Departments, I have felt bound by a sense of public duty to inquire how far I could, with propriety, or consistently with the existing laws, respond to their call.

The usual annual appropriation "for the contingent expenses of intercourse between the United States and foreign nations" has been disbursed, since the date of the act of May 1, 1810, in pursuance of its provisions. By the third section of that act it is provided—

"That when any sum or sums of money shall be drawn from the Treasury, under any law making appropriation for the contingent expenses

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[1] H. Ex. Doc. 187, 29 Cong. 1 Sess.

of intercourse between the United States and foreign nations, the President shall be, and he is hereby, authorized to cause the same to be duly settled, annually, with the accounting officers of the Treasury, in the manner following, that is to say: by causing the same to be accounted for specially in all instances wherein the expenditure thereof may in his judgment be made public, and by making a certificate of the amount of such expenditures as he may think it advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended."

Two distinct classes of expenditure are authorized by this law; the one of a public, and the other of a private and confidential character. The President in office at the time of the expenditure is made by the law the sole judge whether it shall be public or private. Such sums are to be "accounted for specially in all instances wherein the expenditure thereof may in his judgment be made public." All expenditures "accounted for specially" are settled at the Treasury, upon vouchers, and not on "President's certificates," and, like all other public accounts, are subject to be called for by Congress, and are open to public examination. Had information as respects this class of expenditures been called for by the resolution of the House, it would have been promptly communicated.

Congress, foreseeing that it might become necessary and proper to apply portions of this fund for objects the original accounts and vouchers for which could not be "made public" without injury to the public interests, authorized the President, instead of such accounts and vouchers, to make a certificate of the amount "of such expenditures as he may think it advisable not to specify," and have provided that "every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended."

The law making these provisions is in full force. It is binding upon all the departments of the Government, and especially upon the Executive, whose duty it is "to take care that the laws be faithfully executed." In the exercise of the discretion lodged by it in the Executive, several of my predecessors have made "certificates" of the amount "of such expenditures as they have thought it advisable not to specify," and upon these certificates, as the only vouchers, settlements have been made at the Treasury.

It appears that within the period specified in the resolution of the House, certificates were given by my immediate predecessor, upon which settlements have been made at the Treasury, amounting to $5,460. He has solemnly determined that the objects and items of these expenditures should not be made public, and has given his certificates to that effect, which are placed upon the records of the country. Under the direct authority of an existing law, he has exercised the power of placing these expenditures under the seal of confidence, and the whole matter was terminated before I came into office. An important question arises, whether a subsequent President, either voluntarily, or at the request of one branch of Congress, can, without a violation of the spirit of the law, revise the acts of his predecessor, and expose to public view that which he had determined should not be "made public." If not a matter of strict duty, it would certainly be a safe general rule that this should not be done. Indeed, it may well happen, and probably would happen, that the President for the time being would not be in possession of the information upon which his predecessor acted, and could not, therefore,

have the means of judging whether he had exercised his discretion wisely or not. The law requires no other voucher but the President's certificate, and there is nothing in its provisions which requires any "entries, receipts, letters, vouchers, memorandums, or other evidence of such payments" to be preserved in the executive department. The President who makes the "certificate" may, if he chooses, keep all the information and evidence upon which he acts in his own possession. If, for the information of his successors, he shall leave the evidence on which he acts, and the items of the expenditures which make up the sum for which he has given his "certificate," on the confidential files of one of the Executive Departments, they do not, in any proper sense, become thereby public records. They are never seen or examined by the accounting officers of the Treasury when they settle an account on the "President's certificate." The First Congress of the United States, on the 1st of July, 1790, passed an act "providing the means of intercourse between the United States and foreign nations," by which a similar provision to that which now exists was made for the settlement of such expenditures as, in the judgment of the President, ought not to be made public. This act was limited in its duration. It was continued, for a limited term, in 1793, and between that time and the date of the act of May 1, 1810, which is now in force, the same provision was revived and continued. Expenditures were made and settled under Presidential certificates in pursuance of these laws.

If the President may answer the present call, he must answer similar calls for every such expenditure of a confidential character, made under every Administration, in war and in peace, from the organization of the Government to the present period. To break the seal of confidence imposed by the law, and heretofore uniformly preserved, would be subversive of the very purpose for which the law was enacted, and might be productive of the most disastrous consequences. The expenditures of this confidential character, it is believed, were never before sought to be made public, and I should greatly apprehend the consequences of establishing a precedent which would render such disclosures hereafter inevitable.

I am fully aware of the strong and correct public feeling which exists throughout the country against secrecy of any kind in the administration of the Government, and especially in reference to public expenditures; yet our foreign negotiations are wisely and properly confined to the knowledge of the Executive during their pendency. Our laws require the accounts of every particular expenditure to be rendered and publicly settled at the Treasury Department. The single exception which exists is not that the amounts embraced under President's certificates shall be withheld from the public, but merely that the items of which these are composed shall not be divulged. To this extent, and no further, is secrecy observed.

The laudable vigilance of the people in regard to all the expenditures of the Government, as well as a sense of duty on the part of the President, and a desire to retain the good opinion of his fellow-citizens, will prevent any sum expended from being accounted for, by the President's certificate, unless in cases of urgent necessity. Such certificates have, therefore, been resorted to but seldom throughout our past history.

For my own part, I have not caused any account whatever to be settled on a Presidential certificate. I have had no occasion rendering it necessary, in my judgment, to make such a certificate, and it would be an extreme

case which would ever induce me to exercise this authority; yet if such a case should arise it would be my duty to assume the responsibility devolved on me by the law.

During my Administration, all expenditures for contingent expenses of foreign intercourse in which the accounts have been closed have been settled upon regular vouchers, as all other public accounts are settled at the Treasury.

It may be alleged that the power of impeachment belongs to the House of Representatives, and that, with a view to the exercise of this power, that House has the right to investigate the conduct of all public officers under the Government. This is cheerfully admitted. In such a case, the safety of the Republic would be the supreme law; and the power of the House in the pursuit of this object would penetrate into the most secret recesses of the Executive Departments. It would command the attendance of any and every agent of the Government, and compel them to produce all papers, public or private, official or unofficial, and to testify on oath to all facts within their knowledge. But, even in a case of that kind, they would adopt all wise precautions to prevent the exposure of all such matters the publication of which might injuriously affect the public interest, except so far as this might be necessary to accomplish the great ends of public justice. If the House of Representatives, as the grand inquest of the nation, should, at any time, have reason to believe that there has been malversation in office, by an improper use or application of the public money by a public officer, and should think proper to institute an inquiry into the matter, all the archives and papers of the Executive Departments, public or private, would be subject to the inspection and control of a committee of their body, and every facility in the power of the Executive be afforded to enable them to prosecute the investigation.

The experience of every nation on earth has demonstrated that emergencies may arise in which it becomes absolutely necessary for the public safety or the public good to make expenditures the very object of which would be defeated by publicity. Some governments have very large amounts at their disposal, and have made vastly greater expenditures than the small amounts which have from time to time been accounted for on President's certificates. In no nation is the application of such sums ever made public. In time of war, or impending danger, the situation of the country may make it necessary to employ individuals, for the purpose of obtaining information, or rendering other important services, who could never be prevailed upon to act, if they entertained the least apprehension that their names, or their agency, would in any contingency be divulged. So, it may often become necessary to incur an expenditure for an object highly useful to the country; for example, the conclusion of a treaty with a barbarian power, whose customs require, on such occasions, the use of presents; but this object might be altogether defeated by the intrigues of other powers if our purposes were to be made known by the exhibition of the original papers and vouchers to the accounting officers of the Treasury. It would be easy to specify other cases which may occur in the history of a great nation in its intercourse with other nations, wherein it might become absolutely necessary to incur expenditures for objects which could never be accomplished if it were suspected in advance that the items of expenditure, and the agencies employed, would be made public.

Actuated undoubtedly by considerations of this kind, Congress provided such a fund, coeval with the organization of the Government; and subsequently enacted the law of 1810 as the permanent law of the land. While this law exists in full force, I feel bound by a high sense of public policy and duty to observe its provisions, and the uniform practice of my predecessors under it.

With great respect for the House of Representatives, and an anxious desire to conform to their wishes, I am constrained to come to this conclusion.

If Congress disapprove the policy of the law, they may repeal its provisions.

In reply to that portion of the resolution of the House which calls for "copies of whatever communications were made from the Secretary of State during the last sessions of the Twenty-seventh Congress, particularly February, 1843, to Mr. Cushing and Mr. Adams, members of the Committee of this House on Foreign Affairs, of the wish of the President of the United States to institute a special mission to Great Britain," I have to state that no such communications or copies of them are found in the Department of State.

"Copies of all letters on the books of the Department of State to any officer of the United States, or any person in New York, concerning Alexander McLeod," which are also called for by the resolution, are herewith communicated.

JAMES K. POLK.

WASHINGTON, April 20, 1846.

TO MRS. GIBBS.[1]

DEPARTMENT OF STATE.
WASHINGTON, April 21, 1846.

MRS. CATHARINE GREENE GIBBS
(Philadelphia)

MADAM:

I have the honor to acknowledge the receipt of your letter of the 20th instant, and to say in reply, that without knowing the nature of the claim of your late father on the British Government, in regard to which you say you have had a correspondence with the "Lords Commissioners of her Britannic Majesty's Treasury," it is impossible for me to decide, whether it is a subject proper for the intervention of the State Department or not. If the claim is purely of a private nature, the agency of this Government cannot be given to it, any more than to the private affairs and concerns of individuals in any other of the multifarious forms which they assume. The duties of our diplomatic agents are confined to business of a diplomatic character—to sub-

[1] MSS. Department of State, 35 Domestic Letters, 472.

jects which permit and require the intervention of the Government, and form proper topics of international discussion. All business of this kind it is their duty to attend to, and the duty of this Department to instruct them in regard thereto. But it possesses no authority to instruct them to attend to business of a private nature.

If the claim in question be of this character it will be necessary for you to employ an Agent to attend to it; and it is very possible that our consul at London, whose address you will find below, and who enjoys a high character for probity, would consent to act as such, if properly compensated for the time and labor which he might have to devote to the subject. Should you decide on employing him, it would be advisable for you to have the proofs in support of your claim arranged, and proper instructions drawn up for him by some professional gentleman or competent business-man of your city.

On examining the list of claims for French spoliations, prior to 1800, it does not appear that one in the name of your father, Capt. Rufus Greene, has ever been placed on the files of this Department. It is, however, proper to observe, that if any indemnity should ever be provided for such claims, it must be through the action of Congress alone. The subject has been repeatedly before that body, but they have never, as yet, come to any determination in regard to it. Should they ever pass a law concerning it, a Board of Commissioners will doubtless be established to examine into every claim which may be presented.

I am &c.

JAMES BUCHANAN.

TO M. PAGEOT.[1]

DEPARTMENT OF STATE,
WASHINGTON, 21st April, 1846.

MR. ALPHONSE PAGEOT,
&c., &c., &c.

SIR:

I have received the letter you did me the honor to address to me on the 23d February, transmitting a copy of a letter recently addressed to the French Minister of Foreign Affairs by the heirs of the late Captain Leopold Frederick James Berdot, in

[1] MSS. Department of State, Notes to French Legation, VI. 94.

which they solicit the intervention of the Minister in obtaining from this Government an extension of the time within which his legal representatives may establish their claim to a grant of lands formerly made by the Government of the United States to Captain Berdot, in acknowledgment of his military services in this country during the Revolutionary war. You state that you are charged to recommend this claim to the favorable consideration of the Department, and request that the result may be made known to you.

I have to inform you, in reply, that the claimants are in error in supposing that the Government of the United States had caused invitations to be addressed by advertisement in the newspapers of the country, to Mr. Berdot or his heirs, to appear within a certain period to claim the lands and pay the arrears of taxes due on them, in default of which they would be sold for the benefit of the State. Grants of land seldom or never revert to the General Government, nor are lands taxed by it. Land taxes are levied and collected by the several State Governments, for their own benefit; and it is probable that the public notice referred to was made by the authority of the particular State in which the lands in question lie. You will hence perceive that this appeal or petition of Messrs. Berdot and Gognel should be addressed to the legislative or other constituted authorities of the State in which the lands claimed are situate, and that it is not within the competency of this, or any other, Department of the Federal Government to interfere in the matter with the view of promoting the object of the claimants.

I will add that the laws of the several States upon this subject are very variant. They generally, however, contain a provision in virtue of which lands which have been sold in consequence of the non-payment of the taxes due upon them, may be redeemed within a specified period, upon certain conditions being complied with by the original proprietor.

I avail myself of this occasion to renew to you, Sir, the assurance of my high consideration.

JAMES BUCHANAN.

TO THE CHEVALIER TESTA.[1]

DEPARTMENT OF STATE,
WASHINGTON, 22d April, 1846.

THE CHEVALIER F. TESTA,
&c., &c., &c.

SIR:

I have the honor to acknowledge the receipt of your note of the 28th February, on the subject of the establishment of a line of steam vessels between the United States and the Continent of Europe, enclosing a copy of a letter recently addressed by you to the Honorable Cave Johnson, with the view of exhibiting additional facts in support of your previous statement relative to the superior advantages which the ports of the Netherlands—particularly that of Rotterdam—present over the port of Bremen, as points of destination for the vessels in question.

You state, moreover, that you are authorized to inform me that the Government of the Netherlands is disposed to grant to this line of American steamers all the advantages in its ports which would be extended to it in any other, and especially those set forth in the treaty recently concluded between the United States and Belgium. And finally, appealing to the feelings of friendship and sympathy which have long united our two countries, you intimate a hope of my coöperation to effect the adoption of a plan which, in your opinion, most happily combines the interests of the United States and those of the Netherlands.

Having perused these papers with attention, I have no hesitation in acknowledging that the very favorable light in which you have placed the claims of Rotterdam as an eligible port of destination for a line of American steam vessels, entitles your communications to the most careful and serious consideration. Congress has, however, as you are aware, entrusted all matters connected with this project to the Postmaster General, who, in the discharge of this new branch of the duties of his Department—the rapid development of which scarcely seems to admit of a doubt—will, I feel assured, give due weight to your representations.

I avail myself of this occasion to renew to you the assurance of my high consideration.

JAMES BUCHANAN.

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[1] MSS. Department of State, Notes to Netherlands Legation, VI. 46. The Chevalier François Mathieu Wenceslaus Testa presented his credentials as chargé d'affaires of the Netherlands, July 30, 1845.

TO MR. HARRISON.[1]

DEPARTMENT OF STATE,
WASHINGTON, April 22, 1846.

EDWARD A. HARRISON ESQRE.
New Orleans.

SIR,

I have received your letter of the 13th inst: in which you state that you have forwarded to your Father the Consul of the United States at Kingston, Jamaica, several depositions, proving most satisfactorily the innocence of Capt. Frisbee, of the charge preferred against him by the Authorities of that Island, of having sold into slavery two free persons, British subjects. The receipt of these documents will no doubt afford high gratification to your Father, who has manifested a most generous and praiseworthy zeal in every stage of the proceedings against Capt. Frisbee; and I take occasion to make to you the acknowledgments, justly due, for your kind efforts in his behalf, and to express the high gratification afforded by the assurance which you convey, that his innocence of the crime with which he stands charged will now be made clear.

I am Sir &c.

JAMES BUCHANAN.

TO MR. PEABODY.[2]

DEPARTMENT OF STATE,
WASHINGTON, April 23, 1846.

CHARLES A. PEABODY, ESQ.
(New York)

SIR:

In reply to your letter of the 15th instant, I have to state, that, by the convention between the U. States and Spain for the settlement of claims, concluded at Madrid, February 17th, 1834, the Spanish Government engaged to pay the sum of twelve millions of reals *vellon* ($600,000) "in inscriptions of perpetual rents on the great book of the consolidated debt of Spain, bearing an interest of five per cent per annum."

These inscriptions being delivered to the Government of the

[1] MSS. Department of State, Despatches to Consuls, XII. 197.
[2] MSS. Department of State, 35 Domestic Letters, 476.

United States, were, with the coupons annexed, lodged in Paris, where, agreeably to the terms of the convention, the interest was to be paid "every six months." Certificates of the several amounts allowed to the respective claimants under this convention were issued by the Treasury of the United States to the persons entitled thereto. The first four payments of interest ($15,000 each) falling due on the 14th of February and August of the years 1835 and 1836, were made. After that, the payment ceased, in consequence of the alleged inability on the part of Spain to meet her engagements.

In 1841 a confidential arrangement was entered into by Mr. Vail, the diplomatic representative of the U. S. at Madrid, in virtue of which the annual sum of $60,000 has been since received from the Treasury of Cuba, to be applied, in equal moieties, to the payment of the arrears and the current interest. The arrears of interest were extinguished by the payment of $60,000 made in October, 1844. The payments received under that arrangement have been distributed among the claimants through the agency of the Merchants' Bank in New York.

On the 13th instant, bills of exchange, to the amount of $30,000 on houses in the United States, remitted from Cuba to the Spanish Minister in this city, were delivered by him, in payment of the interest due in February and August of last year. These bills have been transmitted to the Merchants' Bank, where, when they shall have been collected, the holders of certificates will be paid their respective dividends at the rate of 5 per centum on the amount of each certificate, this being the rate of interest established by the Convention.

I am, Sir, respectfully

Your obedient servant,

JAMES BUCHANAN.

TO MR. DALLAS.[1]

DEPARTMENT OF STATE,
WASHINGTON, April 25, 1846.

HON. GEORGE M. DALLAS,
(Vice President of U. S. & President of the Senate)

SIR:

In reply to a resolution of the Senate of the 13th instant, directing the Secretary of State "to communicate to the Senate any proceeding or decision of the Commissioners sitting under the Treaty of Paris of 1831, by which any claims for spoliations on American Commerce by the French prior to the *ratification* of the convention of September 30, 1800, were rejected or disallowed by said commissioners, together with the reasons, if any, assigned by the said Commissioners therefor"—I have the honor to transmit herewith an abstract containing a list of all claims for French spoliations prior to the 31st July, 1801, (the date of the final ratification of the above named convention) which were submitted to said commissioners, exhibiting the date of the capture and their decision in each case.

Very respectfully, I am, Sir,

Your obedient Servant,

JAMES BUCHANAN.

TO MR. IRVING.[2]

(No. 51.) DEPARTMENT OF STATE,
WASHINGTON, 25th April, 1846.

WASHINGTON IRVING, ESQRE.,
&c., &c., Madrid.

SIR:

The President having accepted the resignation tendered in your letter to me of the 12th December last, I am directed by him to inform you that he has appointed Mr. Romulus M. Saunders, of North Carolina, Envoy Extraordinary and Minister Plenipotentiary of the United States at Madrid.—Mr. Saunders will proceed upon his mission without delay; and this communication, which will be entrusted to him, will be handed to you upon his arrival at his post. You will, as soon as may be convenient,

[1] MSS. Department of State, Report Book, VI. 197.
[2] MSS. Department of State, Instructions, Spain, XIV. 106.

after receiving this notification, communicate to the Spanish Minister of State for Foreign Affairs, the enclosed copy of a letter to Her Catholic Majesty announcing your recall. When you shall have ascertained in what manner it will be most agreeable to Her Majesty to receive the original, which is also, herewith, transmitted, you will take leave of the Spanish Government with an expression on the part of the President of his desire to maintain the amicable relations which now so happily exist between the two countries. The archives, papers, books, and other public property, belonging to the Legation, together with an inventory of them, may then be turned over to Mr. Saunders, who will give you the necessary receipt for the same.

I cannot take leave of you, in your public character, without expressing my approbation of the ability and fidelity with which you have performed the duties of your mission.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO MR. WHEATON.[1]

(No. 71.) DEPARTMENT OF STATE,
WASHINGTON, 25th April, 1846.

HENRY WHEATON, ESQRE.,
&c., &c., Berlin.

SIR:

The President having accepted your resignation, I am directed by him to apprise you that he has appointed Mr. Andrew Jackson Donelson, of Tennessee, to succeed you in the capacity of Envoy Extraordinary and Minister Plenipotentiary of the United States at Berlin. Mr. Donelson will proceed upon his mission without delay; and this despatch will be handed to you by him, upon his arrival at his post. You will, as soon as may be convenient, after receiving this notification, communicate to the Prussian Minister of State for Foreign Affairs the enclosed copy of a letter to His Majesty, The King of Prussia, announcing your recall. When you shall have ascertained in what manner it will be most agreeable to His Majesty to receive the original, which is, also, herewith transmitted—you will take leave of the Prussian Government, with an expression on the

[1] MSS. Department of State, Instructions, Prussia, XIV. 95.

part of the President, of his desire to maintain the amicable relations which now so happily exist between the two countries. The archives, papers, books, and other public property belonging to the Legation, together with an inventory of them, may then be delivered to Mr. Donelson, who will give you the necessary receipts for the same.

The Convention concluded by you on the 29th January, 1845, between the United States and Prussia, associated with other German States, for the mutual extradition of fugitives from justice, was communicated to the Senate on the 15th of December last, with a Message from the President, (of which I transmit, enclosed, a copy,) calling the attention of that Body to the 3rd Article, which stipulates, that "none of the contracting parties shall be bound to deliver up its own citizens or subjects." This Convention is still before the Senate.

In my despatch No. 68, of the 27th March, 1845, you were apprised that the Senate advised and consented to the ratification of the Convention for the mutual abolition of the Droit d'aubaine and taxes on Emigration, between the United States and Bavaria, with an amendment, striking out from the 3rd Article the words "real and," and a copy of the Resolution of the Senate accompanied that despatch. This Convention has not yet been proclaimed by the President, because of the absence, in the exchange copy sent home by you, of any reference to the amendment, and of the retention in the text of the words "real and," which has excited some surprise. It is thought best, under the circumstances, to place the copy in the hands of your successor, who will take it with him to Berlin, that its place may be supplied by another copy, executed in conformity with the Senate's amendment; the mode of doing which will be left to your discretion.

Mr. Donelson will also be the bearer of the exchange copy of the Convention with Saxony for the mutual abolition of the droit d'aubaine and taxes on emigration, submitted to the Senate on the 15th December last, and ratified on the 15th instant; and he will be instructed to exchange the ratifications, and furnished with a special power from the President for that purpose.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO THE CHEVALIER HÜLSEMANN.[1]

DEPARTMENT OF STATE,
WASHINGTON, 27 April, 1846.

CHEV: HULSEMANN, &c., &c.,
Austria,

The Undersigned, Secretary of State, has the honor to acknowledge the receipt of the note addressed to him by the Chev: Hülsemann, Chargé d'Affaires of his Imperial and Royal Apostolic Majesty on the 4th instant, in which the Chevalier states that, having seen by the President's Message to Congress of the 24th of March last, that in virtue of the 2d Article of the Commercial Convention between the United States and Great Britain the American Government has agreed to restore the duties collected upon certain goods exported from British ports before the 1st of September, 1842, levied according to the Tariff of August, 1842, inasmuch as this law imposes heavier duties than those paid immediately before the 30th of June, 1842,— he finds himself called on to request the attention of the Secretary of State to the 5th Article of the Treaty of Commerce and Navigation between the United States and Austria, which is " identical in its terms " with the first clause of the Commercial Convention of 1815 between the United States and Great Britain, and invites an assurance from this Government, " that the same rule will be applied to the importations which may have been made from the ports of Austria before the 1st of September, 1842."

The object of the President's communication to Congress above referred to, has been somewhat misapprehended by the Chevalier Hülsemann.—It was simply to obtain the sanction of that body, by the appropriation of the necessary funds to carry it into effect, to an arrangement by which it had been agreed to refund, not, as the Chevalier supposes, " the duties collected upon certain goods exported from British ports prior to the 1st of September, 1842, levied according to the Tariff of 1842," but merely an *excess* of duty which had been levied on such goods in contravention of Conventional stipulations, and which amount is made up of differences between the rates chargeable under the

[1] MSS. Department of State, Notes to German States, VI. 134. The Chevalier Hülsemann was chargé d'affaires ad interim of Austria at Washington from Oct. 21, 1841, to Dec. 5, 1855, when he presented credentials as minister resident.

present, and those chargeable under the previous Tariff on the same articles.

Should Congress view this subject in the same light as the President, and authorize the return of this excess of duties collected, upon certain British goods shipped previous to the first of September, 1842, under the existing Tariff law, it is not perceived that any difficulty could arise in applying the same measure of justice to Austria which shall be extended to Great Britain.

It is, however, to be recollected, that in order to entitle any goods from Austria to a similar provision, under the terms of the first clause of the Fifth Article of the Treaty of 1829, between this country and His Imperial and Royal Apostolic Majesty, they must be of the produce or manufacture of the Austrian Dominions; they must have been shipped for the United States previous to the 1st of September, 1842, in a vessel which actually left an Austrian port as her last port of lading prior to that day; and, finally, they must be "like articles" to goods actually imported into the United States, which were shipped prior to that day from ports eastward of the Cape of Good Hope, or beyond Cape Horn.

The Undersigned avails himself of this occasion to renew, &c.,

JAMES BUCHANAN.

TO MR. SAUNDERS.[1]

(No. 2.) DEPARTMENT OF STATE,
WASHINGTON, 27th April, 1846.

ROMULUS M. SAUNDERS, ESQRE.,
&c., &c., Madrid.

SIR:

Referring to former despatches from this Department to your predecessor, of the 21st February, 1843, (No. 12), and of the 10th April, 1844, (No. 29.), respecting a claim upon the Spanish Government presented by Mrs. Juana M. Viar Keefe, of Philadelphia, I now transmit copy of a letter, under date February 21st, from that lady to the President, and of the reply

[1] MSS. Department of State, Instructions, Spain, XIV. 199. Mr. Saunders was commissioned envoy extraordinary and minister plenipotentiary to Spain, Feb. 25, 1846. He took his leave, Sept. 24, 1849.

made by this Department. From the latter it will be perceived that she has been informed, that, although the measure suggested by her for securing the amount she claims, could not be adopted, the Department would continue to do in her behalf all that the nature of her case (which is one of a debt from the Spanish Government to a Spanish subject in its employ as Consul) would permit; and that, with this view, a copy of her communication would be placed in your hands. You will have the goodness, therefore, to endeavor to procure for this claim the favorable consideration of the Government of Her Catholic Majesty, and its early decision thereon; of which you will give prompt notice to the claimant and to this Department.

I am also directed by the President to transmit to you an extract of a letter addressed to him by Bernard Marigny, Esqre., of New Orleans, on the 22nd October last, respecting a claim on the Spanish Government, of his wife, as heir to her father Don J. V. Morales, former Intendente of Louisiana, Florida and Porto-Rico. Mr. Marigny was, on the 8th February, informed, in reply to his letter, that the Diplomatic Representative of the United States at Madrid would be instructed to take such steps in favor of the claimant as the nature of the case would warrant; and was told to place in possession of our Legation at Madrid such evidence in its support as would enable the Minister of the United States to act on it to the best advantage. You will confer respecting this matter with Mr. Irving, to whom Mrs. Marigny has already written, and who may be in possession of the papers and evidence necessary to sustain the claim. It is the President's request that you should give to the interests of a very respectable family such aid as may be unofficially bestowed upon a private claim.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO MR. McLANE.[1]

(No. 27.) DEPARTMENT OF STATE,
WASHINGTON, 28th April, 1846.

SIR: Your despatches to No. 38, inclusive, have been duly received.

I herewith transmit a notice for the abrogation of the Convention of the 6th August, 1827, between Great Britain and the United States, in accordance with the terms prescribed in its second article. This paper you will deliver to Her Britannic Majesty in person, or to Her Majesty's Principal Secretary of State for Foreign Affairs, after you shall have ascertained which of these modes of presenting it will be most in accordance with Her Majesty's wishes. A duplicate of the same is transmitted, to be placed on file in the archives of your Legation.

As the abrogation of this Convention is an act of an important and solemn character, the delivery of the notice ought to be attested with all due formality. The mode is left entirely to your own discretion; but I would suggest that it might be made the subject of a protocol in triplicate, one copy of which should remain with the British Government, another with the Legation in London, and the third be transmitted to this Department.

In the remarks which you may have occasion to make on the delivery of the notice, the language to the preamble to the "joint resolution concerning the Oregon Territory" must necessarily be your guide. It is true that the President would have preferred a naked resolution, authorizing him to give the notice; and he believes that if such a resolution had been adopted by Congress during the month of December last, the controversy might have been adjusted both more speedily and upon better terms for the United States. He was content, nevertheless, with the resolution as it originally passed the House of Representatives: and in the form finally adopted he considers it preferable to a failure of the measure. However, Congress have spoken their will upon the subject in their joint resolution, and to this it is his and your duty to conform.

Upon a careful review of my despatch to you (No. 23,) of the 26th February last, the President finds nothing to change. It will still continue to be the guide of your conduct. In that

[1] MSS. Department of State, Instructions, Great Britain, XV. 292. Extracts are printed in S. Doc. 489, 29 Cong. 1 Sess. 46.

despatch, I have distinctly declared that "the President has at all times been prepared to receive and to treat with the utmost respect any proposal for a compromise [of the Oregon question] which might emanate from the British Government. Whilst he has not deemed it proper to invite such a proposal, he has ever manifested an anxious desire to preserve amicable relations with Great Britain." These sentiments of the President you may communicate to Lord Aberdeen on delivering the notice.

In the present state of the negotiation, it is clear that, "in the adoption of all proper measures for a speedy and amicable adjustment of the differences and disputes in regard to said territory," the first proposal ought to proceed from the British Government. It is deemed unnecessary to enforce so plain a proposition by arguments as these will readily occur to your own mind, should this become a question, which, however, cannot be anticipated.

I am, Sir, respectfully, Your obedient servant,

JAMES BUCHANAN.

LOUIS MCLANE, ESQRE., &c., &c., &c.

TO MR. CAMPBELL.[1]

DEPARTMENT OF STATE,
WASHINGTON, April 29, 1846.

HON. WILLIAM W. CAMPBELL
(House of Representatives)

SIR:

Your letter of the 3d ultimo, enclosing one from Mr. Gilbert Allen, of New York, was duly received; and the delay in answering it is to be ascribed to the fact, that from assurances given me by the Spanish Minister, in reply to repeated verbal inquiries on the subject, I was at that time in daily expectation of learning that he had received a remittance for the payment of a year's interest on the indemnity to which Mr. Allen's letter relates. This payment was made by the Spanish Minister on the 13th instant in Bills of Exchange to the amount of $30,000, which, when cashed, will be in full of the interest due on the 14th August last. Mr. Allen has doubtless already received information of this fact.

It is due to Mr. Forsyth, Mr. Vail, and the administration

[1] MSS. Department of State, 35 Domestic Letters, 480.

of Mr. Van Buren, that I should correct the erroneous impression which Mr. Allen seems to entertain in regard to the authors of the very favorable arrangement by which the creditors under the Spanish Treaty have been placed upon so favorable a footing compared with other Spanish Creditors. This arrangement owes its existence exclusively to the instructions of Mr. Forsyth, and the zeal and ability with which they were executed by Mr. Vail, by whom its conclusion was announced in his despatch to this Department of April 4th 1841.

According to its terms, it had expired previous to the last payment made by the Spanish Minister; but I trust that the Government of Spain may continue to act as though it were still in existence. I would observe that under it these payments are to be made annually; and not semi-annually, as they were under the original Treaty.

The sinking fund of one per cent., to which Mr. Allen alludes, is placed by the Treaty under the immediate control of the Spanish Government—to be applied to the purchase of the "inscriptions" issued under the Treaty at their current value in the money market. The Department has never before heard any complaint on this subject, and it is extremely doubtful whether it would be good policy in the creditors to raise this question, so long as the interest shall be regularly paid, and particularly so long as this payment shall be made by the authorities of Cuba. It might cause the Spanish Government no longer to act under Mr. Vail's arrangement. This, however, is for them to decide. I shall be happy to act in conformity with their expressed wishes.

That Government has always been anxious to conceal from the other Spanish creditors, that the interest due to American creditors is paid out of the revenues of Cuba.

I am, &c.

James Buchanan.

TO THE PRESIDENT.[1]

[May 5, 1846.]

To the President of the United States:

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 8th ultimo, requesting the President to cause to be communicated to that body, "if not incompatible with the public interest, copies of the correspondence of George William Gordon, late consul of the U. S. at Rio de Janeiro, with the Department of State, relating to the slave trade in vessels and by citizens of the United States between the coast of Africa and Brazil"—has the honor to report to the President the accompanying papers, which embrace copies of all the correspondence called for by the above cited resolution.

Respectfully submitted,

James Buchanan.

Department of State, Washington, May 5, 1846.

TO THE SENATE.[2]

Department of State,
Washington, May 7, 1846.

In compliance with the resolution of the Senate of the 24th of February, last, directing the Secretary of State to communicate to that body "any despatch or information he may have received from either of the Ministers of the United States abroad, on the subject of a ship canal across the isthmus of Panama, and of opening new channels of communication with the Eastern nations," the undersigned has the honor to transmit the papers mentioned in the subjoined list which contain all the unpublished information on the files of this Department embraced by the resolution. It is to be observed that Mr. Wheaton's despatches are accompanied by a printed memoir by Baron Humboldt in the French language, containing several maps, and also by an

[1] MSS. Department of State, Report Book, VI. 196. This report was transmitted by President Polk to the House of Representatives, May 6, 1846. It is not printed among the executive documents, but the message is printed in Richardson's Messages and Papers of the Presidents, IV. 437.

[2] S. Doc. 330, 29 Cong. 1 Sess.; MS. Report Book, VI. 198.

engraved sheet containing a number of maps on a minute scale, replete with details and lettered in the German language; the copying of which papers would be a very nice and expensive piece of work. In the uncertainty as to the views which the Senate might entertain upon this point, after being informed of the nature of those appendages, it has been deemed advisable, for the present, not to have copies of them made.

Respectfully submitted,

JAMES BUCHANAN.

TO THE SENATE OF THE UNITED STATES.

VETO MESSAGE OF PRESIDENT POLK

ON THE FRENCH SPOLIATION CLAIMS.[1]

[May 8, 1846.]

TO THE SENATE OF THE UNITED STATES:

I return to the Senate, in which it originated, the bill entitled "An act to provide for the ascertainment and satisfaction of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801," which was presented to me on the 6th instant, with my objections to its becoming a law.

In attempting to give to the bill the careful examination it requires, difficulties presented themselves in the outset from the remoteness of the period to which the claims belong, the complicated nature of the transactions in which they originated, and the protracted negotiations to which they led between France and the United States.

The short time intervening between the passage of the bill by Congress and the approaching close of their session, as well as the pressure of other official duties, have not permitted me to extend my examination of the subject into its minute details; but in the consideration which I have been able to give to it I find objections of a grave character to its provisions.

For the satisfaction of the claims provided for by the bill it is proposed to appropriate $5,000,000. I can perceive no legal or equitable ground upon which this large appropriation can rest. A portion of the claims have been more than half a century before the Government in its executive or legislative departments, and all of them had their origin in events which occurred prior to the year 1800. Since 1802 they have been from time to time before Congress. No greater necessity or propriety exists for providing for these claims at this time than has existed for near half a century, during all which period this questionable measure has never until now received the favorable consideration of Congress. It is scarcely probable, if the claim had been regarded as obligatory upon the Government or constituting an equitable demand upon the Treasury, that those who were contemporaneous with the events which gave rise to it should not long since have done justice to the

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[1] Richardson's Messages and Papers of the Presidents, IV. 466–469.

claimants. The Treasury has often been in a condition to enable the Government to do so without inconvenience if these claims had been considered just. Mr. Jefferson, who was fully cognizant of the early dissensions between the Governments of the United States and France, out of which the claims arose, in his annual message in 1808 adverted to the large surplus then in the Treasury and its "probable accumulation," and inquired whether it should "lie unproductive in the public vaults;" and yet these claims, though then before Congress, were not recognized or paid. Since that time the public debt of the Revolution and of the War of 1812 has been extinguished, and at several periods since the Treasury has been in possession of large surpluses over the demands upon it. In 1836 the surplus amounted to many millions of dollars, and, for want of proper objects to which to apply it, it was directed by Congress to be deposited with the States.

During this extended course of time, embracing periods eminently favorable for satisfying all just demands upon the Government, the claims embraced in this bill met with no favor in Congress beyond reports of committees in one or the other branch. These circumstances alone are calculated to raise strong doubts in respect to these claims, more especially as all the information necessary to a correct judgment concerning them has been long before the public. These doubts are strengthened in my mind by the examination I have been enabled to give to the transactions in which they originated.

The bill assumed that the United States have become liable in these ancient transactions to make reparation to the claimants for injuries committed by France. Nothing was obtained for the claimants by negotiation; and the bill assumes that the Government has become responsible to them for the aggressions of France. I have not been able to satisfy myself of the correctness of this assumption, or that the Government has become in any way responsible for these claims. The limited time allotted to me before your adjournment precludes the possibility of reiterating the facts and arguments by which in preceding Congresses these claims have been successfully resisted.

The present is a period peculiarly unfavorable for the satisfaction of claims of so large an amount and, to say the least of them, of so doubtful a character. There is no surplus in the Treasury. A public debt of several millions of dollars has been created within the last few years.

We are engaged in a foreign war, uncertain in its duration and involving heavy expenditures, to prosecute which Congress has at its present session authorized a further loan; so that in effect the Government, should this bill become a law, borrows money and increases the public debt to pay these claims.

It is true that by the provisions of the bill payment is directed to be made in land scrip instead of money, but the effect upon the treasury will be the same. The public lands constitute one of the sources of public revenue, and if these claims be paid in land scrip it will from the date of its issue to a great extent cut off from the Treasury the annual income from the sales of the public lands, because payments for lands sold by the Government may be expected to be made in scrip until it is all redeemed. If these claims be just, they ought to be paid in money, and not in anything less valuable. The bill provides that they shall be paid in land scrip, whereby they are made in effect to be a mortgage upon the public lands in the new States; a mort-

gage, too, held in great part, if not wholly, by non-residents of the States in which the lands lie, who may secure these lands to the amount of several millions of acres, and then demand for them exorbitant prices from the citizens of the States who may desire to purchase them for settlement, or they may keep them out of the market, and thus retard the prosperity and growth of the States in which they are situated. Why this unusual mode of satisfying demands on the Treasury has been resorted to does not appear. It is not consistent with a sound public policy. If it be done in this case, it may be done in all others. It would form a precedent for the satisfaction of all other stale and questionable claims in the same manner, and would undoubtedly be resorted to by all claimants who after successive trials shall fail to have their claims recognized and paid in money by Congress.

This bill proposes to appropriate $5,000,000, to be paid in land scrip, and provides that "no claim or memorial shall be received by the commissioners" authorized by the act "unless accompanied by a release or discharge of the United States from all other and further compensation" than the claimant "may be entitled to receive under the provisions of this act." These claims are estimated to amount to a much larger sum than $5,000,000, and yet the claimant is required to release to the Government all other compensation, and to accept his share of a fund which is known to be inadequate. If the claims be well founded, it would be unjust to the claimants to repudiate any portion of them, and the payment of the remaining sum could not be hereafter resisted. This bill proposes to pay these claims not in the currency known to the Constitution, and not to their full amount.

Passed, as this bill has been, near the close of the session, and when many measures of importance necessarily claim the attention of Congress, and possibly without that full and deliberate consideration which the large sum it appropriates and the existing condition of the Treasury and of the country demand, I deem it to be my duty to withhold my approval, that it may hereafter undergo the revision of Congress. I have come to this conclusion with regret. In interposing my objections to its becoming a law I am fully sensible that it should be an extreme case which would make it the duty of the Executive to withhold his approval of any bill passed by Congress upon the ground of its inexpediency alone. Such a case I consider this to be.

JAMES K. POLK.

WASHINGTON, May 8, 1846.

PRESIDENT POLK'S WAR MESSAGE.[1]

[May 11, 1846.]

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

The existing state of the relations between the United States and Mexico renders it proper that I should bring the subject to the consideration of Congress. In my message at the commencement of your present session, the state of these relations, the causes which led to the suspension of diplo-

[1] H. Ex. Doc. 196, 29 Cong. 1 Sess.; H. Ex. Doc. 60, 30 Cong. 1 Sess.; S. Doc. 337, 29 Cong. 1 Sess.

matic intercourse between the two countries in March, 1845, and the long-continued and unredressed wrongs and injuries committed by the Mexican Government on citizens of the United States, in their persons and property, were briefly set forth.

As the facts and opinions which were then laid before you were carefully considered, I can not better express my present convictions of the condition of affairs up to that time, than by referring you to that communication.

The strong desire to establish peace with Mexico on liberal and honorable terms, and the readiness of this Government to regulate and adjust our boundary, and other causes of difference with that power, on such fair and equitable principles as would lead to permanent relations of the most friendly nature, induced me in September last to seek the reopening of diplomatic relations between the two countries. Every measure adopted on our part had for its object the furtherance of these desired results. In communicating to Congress a succinct statement of the injuries which we had suffered from Mexico, and which have been accumulating during a period of more than twenty years, every expression that could tend to inflame the people of Mexico or defeat or delay a pacific result was carefully avoided. An envoy of the United States repaired to Mexico, with full powers to adjust every existing difference. But though present on the Mexican soil, by agreement between the two Governments, invested with full powers, and bearing evidence of the most friendly dispositions, his mission has been unavailing. The Mexican Government not only refused to receive him, or listen to his propositions, but, after a long-continued series of menaces, have at last invaded our territory, and shed the blood of our fellow-citizens on our own soil.

It now becomes my duty to state more in detail the origin, progress, and failure of that mission. In pursuance of the instructions given in September last, an inquiry was made, on the 13th of October, 1845, in the most friendly terms, through our consul in Mexico, of the minister for foreign affairs, whether the Mexican Government "would receive an envoy from the United States intrusted with full powers to adjust all the questions in dispute between the two Governments;" with the assurance that "should the answer be in the affirmative, such an envoy would be immediately despatched to Mexico." The Mexican minister, on the 15th of October, gave an affirmative answer to this inquiry, requesting, at the same time, that our naval force at Vera Cruz might be withdrawn, lest its continued presence might assume the appearance of menace and coercion pending the negotiations. This force was immediately withdrawn. On the 10th of November, 1845, Mr. John Slidell, of Louisiana, was commissioned by me as envoy extraordinary and minister plenipotentiary of the United States to Mexico, and was intrusted with full powers to adjust both the questions of the Texas boundary and of indemnification to our citizens. The redress of the wrongs of our citizens naturally and inseparably blended itself with the question of boundary. The settlement of the one question, in any correct view of the subject, involves that of the other. I could not, for a moment, entertain the idea that the claims of our much-injured and long-suffering citizens, many of which had existed for more than twenty years, should be postponed, or separated from the settlement of the boundary question.

Mr. Slidell arrived at Vera Cruz on the 30th of November, and was courteously received by the authorities of that city. But the Government

of General Herrera was then tottering to its fall. The revolutionary party had seized upon the Texas question to effect or hasten its overthrow. Its determination to restore friendly relations with the United States, and to receive our minister, to negotiate for the settlement of this question, was violently assailed, and was made the great theme of denunciation against it. The Government of General Herrera, there is good reason to believe, was sincerely desirous to receive our minister; but it yielded to the storm raised by its enemies, and on the 21st of December refused to accredit Mr. Slidell upon the most frivolous pretexts. These are so fully and ably exposed in the note of Mr. Slidell, of the 24th of December last, to the Mexican minister of foreign relations, herewith transmitted, that I deem it unnecessary to enter into further detail on this portion of the subject.

Five days after the date of Mr. Slidell's note, General Herrera yielded the Government to General Paredes, without a struggle, and on the 30th of December resigned the Presidency. This revolution was accomplished solely by the army, the people having taken little part in the contest; and thus the supreme power in Mexico passed into the hands of a military leader.

Determined to leave no effort untried to effect an amicable adjustment with Mexico, I directed Mr. Slidell to present his credentials to the Government of General Paredes and ask to be officially received by him. There would have been less ground for taking this step had General Paredes come into power by a regular constitutional succession. In that event his administration would have been considered but a mere constitutional continuance of the Government of General Herrera, and the refusal of the latter to receive our minister would have been deemed conclusive, unless an intimation had been given by General Paredes of his desire to reverse the decision of his predecessor. But the Government of General Paredes owed its existence to a military revolution, by which the subsisting constitutional authorities had been subverted. The form of government was entirely changed, as well as all the high functionaries by whom it was administered.

Under these circumstances, Mr. Slidell, in obedience to my direction, addressed a note to the Mexican minister of foreign relations, under date of the 1st of March last, asking to be received by that Government in the diplomatic character to which he had been appointed. This minister, in his reply, under date of the 12th of March, reiterated the arguments of his predecessor, and, in terms that may be considered as giving just grounds of offense to the Government and people of the United States, denied the application of Mr. Slidell. Nothing, therefore, remained for our envoy but to demand his passports and return to his own country.

Thus the Government of Mexico, though solemnly pledged by official acts in October last to receive and accredit an American envoy, violated their plighted faith, and refused the offer of a peaceful adjustment of our difficulties. Not only was the offer rejected, but the indignity of its rejection was enhanced by the manifest breach of faith in refusing to admit the envoy, who came because they had bound themselves to receive him. Nor can it be said that the offer was fruitless from the want of opportunity of discussing it—our envoy was present on their own soil. Nor can it be ascribed to a want of sufficient powers—our envoy had full powers to adjust every question of difference. Nor was there room for complaint that our propositions for settlement were unreasonable—permission was not given

our envoy to make any proposition whatever. Nor can it be objected that we, on our part, would not listen to any reasonable terms of their suggestion—the Mexican Government refused all negotiation, and have made no proposition of any kind.

In my message at the commencement of the present session, I informed you that, upon the earnest appeal both of the Congress and convention of Texas, I had ordered an efficient military force to take a position "between the Nueces and the Del Norte." This had become necessary to meet a threatened invasion of Texas by the Mexican forces, for which extensive military preparations had been made. The invasion was threatened solely because Texas had determined, in accordance with a solemn resolution of the Congress of the United States, to annex herself to our Union; and, under these circumstances, it was plainly our duty to extend our protection over her citizens and soil.

This force was concentrated at Corpus Christi, and remained there until after I had received such information from Mexico as rendered it probable, if not certain, that the Mexican Government would refuse to receive our envoy.

Meantime Texas, by the final action of our Congress, had become an integral part of our Union. The Congress of Texas, by its act of December 19, 1836, had declared the Rio del Norte to he the boundary of that Republic. Its jurisdiction had been extended and exercised beyond the Nueces. The country between that river and the Del Norte had been represented in the Congress and in the convention of Texas; had thus taken part in the act of annexation itself; and is now included within one of our Congressional districts. Our own Congress had, moreover, with great unanimity, by the act approved December 31, 1845, recognized the country beyond the Nueces as a part of our territory, by including it within our own revenue system; and a revenue officer, to reside within that district, has been appointed, by and with the advice and consent of the Senate. It became, therefore, of urgent necessity to provide for the defense of that portion of our country. Accordingly, on the 13th of January last, instructions were issued to the general in command of these troops to occupy the left bank of the Del Norte. This river, which is the southwestern boundary of the State of Texas, is an exposed frontier; from this quarter invasion was threatened; upon it, and in its immediate vicinity, in the judgment of high military experience, are the proper stations for the protecting forces of the Government. In addition to this important consideration, several others occurred to induce this movement. Among these are the facilities afforded by the ports at Brazos Santiago and the mouth of the Del Norte, for the reception of supplies by sea; the stronger and more healthful military positions; the convenience for obtaining a ready and a more abundant supply of provisions, water, fuel and forage; and the advantages which are afforded by the Del Norte in forwarding supplies to such posts as may be established in the interior and upon the Indian frontier.

The movement of the troops to the Del Norte was made by the commanding general, under positive instructions to abstain from all aggressive acts toward Mexico or Mexican citizens, and to regard the relations between that Republic and the United States as peaceful, unless she should declare war, or commit acts of hostility indicative of a state of war. He was specially directed to protect private property, and respect personal rights.

The Army moved from Corpus Christi on the 11th of March, and on the 28th of that month arrived on the left bank of the Del Norte opposite to Matamoras, where it encamped on a commanding position, which has since been strengthened by the erection of field works. A depot has also been established at Point Isabel, near the Brazos Santiago, 30 miles in rear of the encampment. The selection of his position was necessarily confided to the judgment of the general in command.

The Mexican forces at Matamoras assumed a belligerent attitude, and, on the 12th of April, General Ampudia, then in command, notified General Taylor to break up his camp within twenty-four hours, and to retire beyond the Nueces River, and, in the event of his failure to comply with these demands, announced that arms, and arms alone, must decide the question. But no open act of hostility was committed until the 24th of April. On that day, General Arista, who had succeeded to the command of the Mexican forces, communicated to General Taylor that "he considered hostilities commenced, and should prosecute them." A party of dragoons, of 63 men and officers, were on the same day despatched from the American camp up the Rio del Norte, on its left bank, to ascertain whether the Mexican troops had crossed, or were preparing to cross, the river, "became engaged with a large body of these troops, and, after a short affair, in which some 16 were killed and wounded, appear to have been surrounded and compelled to surrender."

The grievous wrongs perpetrated by Mexico upon our citizens throughout a long period of years remain unredressed; and solemn treaties, pledging her public faith for this redress, have been disregarded. A government either unable or unwilling to enforce the execution of such treaties, fails to perform one of its plainest duties.

Our commerce with Mexico has been almost annihilated. It was formerly highly beneficial to both nations; but our merchants have been deterred from prosecuting it by the system of outrage and extortion which the Mexican authorities have pursued against them, whilst their appeals through their own Government for indemnity have been made in vain. Our forbearance has gone to such an extreme as to be mistaken in its character. Had we acted with vigor in repelling the insults and redressing the injuries inflicted by Mexico at the commencement, we should doubtless have escaped all the difficulties in which we are now involved.

Instead of this, however, we have been exerting our best efforts to propitiate her good will. Upon the pretext that Texas, a nation as independent as herself, thought proper to unite its destinies with our own, she has affected to believe that we have severed her rightful territory, and in official proclamations and manifestoes has repeatedly threatened to make war upon us, for the purpose of reconquering Texas. In the meantime, we have tried every effort at reconciliation. The cup of forbearance had been exhausted, even before the recent information from the frontier of the Del Norte. But now, after reiterated menaces, Mexico has passed the boundary of the United States, has invaded our territory, and shed American blood upon the American soil. She has proclaimed that hostilities have commenced, and that the two nations are now at war.

As war exists, and, notwithstanding all our efforts to avoid it, exists by the act of Mexico herself, we are called upon by every consideration of

duty and patriotism to vindicate with decision the honor, the rights, and the interests of our country.

Anticipating the possibility of a crisis like that which has arrived, instructions were given in August last, "as a precautionary measure" against invasion, or threatened invasion, authorizing General Taylor, if the emergency required, to accept volunteers, not from Texas only, but from the States of Louisiana, Alabama, Mississippi, Tennessee, and Kentucky; and corresponding letters were addressed to the respective governors of those States. These instructions were repeated; and, in January last, soon after the incorporation of "Texas into our Union of States," General Taylor was further "authorized by the President to make a requisition upon the executive of that State for such of its militia force as may be needed to repel invasion or to secure the country against apprehended invasion." On the 2d day of March he was again reminded, "in the event of the approach of any considerable Mexican force, promptly and efficiently to use the authority with which he was clothed to call to him such auxiliary force as he might need." War actually existing, and our territory having been invaded, General Taylor, pursuant to authority vested in him by my direction, has called on the governor of Texas for four regiments of State troops—two to be mounted and two to serve on foot; and on the governor of Louisiana for four regiments of infantry to be sent to him as soon as practicable.

In further vindication of our rights, and defense of our territory, I invoke the prompt action of Congress to recognize the existence of the war, and to place at the disposition of the Executive the means of prosecuting the war with vigor, and thus hastening the restoration of peace. To this end I recommend that authority should be given to call into the public service a large body of volunteers, to serve for not less than six or twelve months, unless sooner discharged. A volunteer force is beyond question more efficient than any other description of citizen soldiers; and it is not to be doubted that a number far beyond that required would readily rush to the field upon the call of their country. I further recommend that a liberal provision be made for sustaining our entire military force and furnishing it with supplies and munitions of war.

The most energetic and prompt measures and the immediate appearance in arms of a large and overpowering force are recommended to Congress as the most certain and efficient means of bringing the existing collision with Mexico to a speedy and successful termination.

In making these recommendations, I deem it proper to declare that it is my anxious desire not only to terminate hostilities speedily, but to bring all matters in dispute between this Government and Mexico to an early and amicable adjustment; and, in this view, I shall be prepared to renew negotiations, whenever Mexico shall be ready to receive propositions, or to make propositions of her own.

I transmit herewith a copy of the correspondence between our envoy to Mexico and the Mexican minister for foreign affairs; and so much of the correspondence between that envoy and the Secretary of State, and between the Secretary of War and the General in command on the Del Norte, as is necessary to a full understanding of the subject.

JAMES K. POLK.

WASHINGTON, May 11, 1846.

PROCLAMATION OF PRESIDENT POLK

ON WAR WITH MEXICO.[1]

[May 13, 1846.]

By the President of the United States of America.
A Proclamation.

Whereas the Congress of the United States, by virtue of the constitutional authority vested in them, have declared by their act, bearing date this day, that, "by the act of the Republic of Mexico, a state of war exists between that Government and the United States:"

Now, therefore, I, James K. Polk, President of the United States of America, do hereby proclaim the same to all whom it may concern; and I do specially enjoin on all persons holding offices, civil or military, under the authority of the United States, that they be vigilant and zealous in discharging the duties respectively incident thereto; and I do, moreover, exhort all the good people of the United States, as they love their country, as they feel the wrongs which have forced on them the last resort of injured nations, and as they consult the best means, under the blessing of Divine Providence, of abridging its calamities, that they exert themselves in preserving order, in promoting concord, in maintaining the authority and the efficacy of the laws, and in supporting and invigorating all the measures which may be adopted by the constituted authorities for obtaining a speedy, a just, and an honorable peace.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed to these presents.

(Seal.) Done at the city of Washington, the thirteenth day of May, in the year of our Lord one thousand eight hundred and forty-six, and of the independence of the United States the seventieth.

James K. Polk.

By the President:
James Buchanan,
Secretary of State.

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[1] United States Statutes at Large, IX. 999–1000.

TO UNITED STATES MINISTERS.[1]

(No. 53.) DEPARTMENT OF STATE,
WASHINGTON, 14th May, 1846.

WASHINGTON IRVING, ESQRE.,
&c., &c., Madrid.

SIR:

I transmit to you, herewith, a Proclamation of the President of yesterday's date declaring that war exists between the United States and Mexico. Congress adopted the measure with unprecedented unanimity. There were but fourteen dissenting voices in the House and two in the Senate. The truth is that we had endured so many insults and grievous wrongs from Mexico with such unexampled patience, that at the last she must have mistaken our forbearance for pusillanimity. "The Union" of the 11th & 12th instant, which has been forwarded to you, contains the President's message and all the proceedings upon it in Congress, resulting in the declaration of war.

The vote in Congress will serve to convince the world, that, in this country, at a crisis, when it becomes necessary to assert the national rights and vindicate the national honor, all party distinctions vanish.

You will observe from the President's message the extreme reluctance with which the United States have engaged in this war. It is our interest, as it has ever been our inclination, that Mexico should be an independent and powerful Republic, and that our relations with her should be of the most friendly character. The successive revolutions by which she has been afflicted, and the avaricious and unprincipled men who have placed themselves at the head of her Government, have brought her to the brink of ruin. We feel deeply interested that she should establish a stable Government, sufficiently powerful and pacific to

[1] MSS. Department of State, Instructions, Spain, XIV. 202. Similar instructions were sent, mutatis mutandis, to all other United States ministers. In the instruction, however, to Mr. McLane, minister at London, the last paragraph reads: "It is but fair that you should announce to the Earl of Aberdeen the intention of the President to blockade the ports of Mexico; but you may assure him that the same facilities which the French granted in their recent blockade of Vera Cruz to the British mail steamers, shall be extended to them, at least for the present. In conversing with his lordship on the objects," etc. The draft of this instruction, in Mr. Buchanan's handwriting, in the form of an instruction to Mr. McLane, is endorsed in pencil, "It is all right. J. K. P." (Buchanan Papers, private collection.)

prevent and punish aggressions upon her neighbours. For some years, in our intercourse with her, we have incurred much of the expense, and suffered many of the inconveniences of war whilst nominally at peace. This state of things had, at last, become intolerable.

We go to war with Mexico solely for the purpose of conquering an honorable and permanent peace. Whilst we intend to prosecute the war with vigor, both by land and by sea, we shall bear the olive branch in one hand, and the sword in the other; and whenever she will accept the former, we shall sheath the latter.

A strict blockade of the Ports of Mexico, both on the Atlantic and Pacific, will be immediately established. This, by depriving her of the revenue which she derives from customs will, it is hoped, speedily bring her to offer or to accept reasonable terms. Besides, it will then become the interest of the foreign nations who now enjoy the monopoly of her commerce, to exert their influence with her Government for the restoration of peace upon just and liberal principles.

It is but fair that you should announce to the Minister of Foreign Affairs of Her Most Catholic Majesty the intention of the President to blockade the ports of Mexico; and in conversing with him on the objects and purposes of the war, you will be guided by the sentiments contained in the President's message and this despatch.

I am, Sir, with great respect,

Your obedient servant,

JAMES BUCHANAN.

TO UNITED STATES CONSULS.[1]

DEPARTMENT OF STATE,
WASHINGTON, May 14, 1846.

SIR:

I transmit to you, herewith, a proclamation of the President, of yesterday's date, declaring that War exists between the United States and Mexico. Congress adopted the measure with unprecedented unanimity. On the passage of the "Act providing for the prosecution of the existing war between the United States and Mexico," there were but fourteen dissenting

[1] MSS. Department of State, Despatches to Consuls, XII. 207; Circulars, I. 100.

voices in the House, and two in the Senate. The truth is that we had endured so many insults and grievous wrongs from Mexico, with such unexampled patience, that at the last she must have mistaken our forbearance for pusillanimity. Encouraged, probably, by this misapprehension, her army has at length passed the Del Norte,—has invaded the territory of our Country,—and has shed American blood upon the American soil.

The vote in Congress will serve to convince the world, in this Country, at a crisis, when it becomes necessary to assert the national rights, and vindicate the national honor, all party distinctions vanish.

You will observe from the President's message, a copy of which is enclosed, the extreme reluctance with which the United States have engaged in this War. It is our interest, as it has ever been our inclination, that Mexico should be an independent and powerful Republic, and that our Relations with her should be of the most friendly character. The successive revolutions by which she has been afflicted, and the avaricious and unprincipled men who have placed themselves at the head of her Government, have brought her to the brink of ruin. We feel deeply interested that she should establish a stable Government sufficiently powerful and pacific to prevent and punish aggressions upon her neighbors. For some years, in our intercourse with her, we have incurred much of the expense, and suffered many of the inconveniences of War, whilst nominally at peace. This state of things had at last become intolerable.

We go to War with Mexico solely for the purpose of conquering an honorable and permanent peace. Whilst we intend to prosecute the War with vigor, both by land and by sea, we shall bear the olive branch in one hand, and the sword in the other; and whenever she will accept the former, we shall sheath the latter.

A strict blockade of the ports of Mexico, both on the Atlantic and Pacific, will be immediately established.

In conversing on the objects and purposes of the War, you will be guided by the sentiments expressed in the President's message and this despatch.

I am, Sir, Respectfully

Your obedient Servant

JAMES BUCHANAN.

The above Confidential Circular was forwarded to each of our Consuls.

TO MR. BROWN.[1]

(No. 22.) DEPARTMENT OF STATE,
WASHINGTON, 14th May, 1846.

JOHN P. BROWN, ESQRE.,
&c., &c., Constantinople.

SIR:

Referring to my communication on this subject, of the 26th March last, I now transmit the enclosed copy of a letter addressed to me by Mr. George Plitt, under date the 26th March, enclosing a contract which has been entered into by him, subject to my sanction, with Mr. V. K. Stevenson, a citizen of the State of Tennessee, well-known to me as a gentleman of great respectability.

This contract has been approved by me, with a modification of the 5th Article, which you will find at the foot of the copy herewith transmitted. I cannot state whether, as thus modified, it will be accepted by Mr. Stevenson; although my impression is that it will. In this uncertainty, however, if the contract as it originally stood be acceptable to the Sultan, you should advise me of the fact as promptly as possible; as this intelligence might reach me in time for the business to proceed this season, should it have been suspended in consequence of the alteration which I have deemed it necessary to make. Mr. Stevenson is informed, that no doubt whatever is entertained that he will find the Sultan disposed to deal liberally with him.

I enclose, also, a copy of the account rendered by Mr. Plitt, which, from the knowledge you possess regarding the ordinary expenses of a gentleman travelling in this country, you will perceive contains no extravagant charge under that head. The compensation to be paid him was stated in my former letter.

I am, Sir, respectfully,

Your obedt. servant,

JAMES BUCHANAN.

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[1] MSS. Department of State, Instructions, Turkey, I. 318.

TO MR. CAMPBELL.[1]

DEPT. OF STATE,
14th May 1846.

R. B. CAMPBELL ESQRE.
U. S. Consul Havana.

SIR.

Your position, under existing circumstances is one of peculiar delicacy & importance. Apprehensions are entertained that the two Mexican Steamers which have been recently transferred to Havana, were sent there for the purpose of privateering against the commerce of the U. States. There is also reason to believe that an attempt will be made to fit out privateers for this purpose in the ports of Cuba & of Porto Rico, bearing letters of Marque & Reprisal from the Mexican Government. You are therefore called upon to exert your utmost vigilance in acquiring information on this subject & in communicating it to Captain Conner, the Commander of our Squadron in the Gulf, & to this Department.

Under the 14 article of our Treaty with Spain of the 20th Oct. 1795 (which article is still in force) any Spanish subject who shall "take any commission or letters of marque for arming any ship or ships to act as privateers against the United States, or against the citizens, people or inhabitants of the said United States, or against the property of any of the inhabitants of any of them from any prince or States with which the United States shall be at war," is punishable "as a pirate." This punishment shall be inflicted upon any Spanish subjects whom we may capture & who upon trial shall be found guilty of such atrocious conduct.

You will call the attention of the authorities at Havana to the existence of this Treaty, & they should be appealed to, in the strongest terms, to cause it to be faithfully executed.

I do not doubt the disposition of the Supreme Authority in Cuba to fulfil its obligations in good faith; & the best mode of doing this is to prevent the equipment & departure of vessels fitted for privateering.

I should deeply deplore the fact, if the ports of Cuba & Porto Rico should become stations from whence privateers shall proceed to prey upon our commerce. This might endanger the friendly relations which we are so anxious to preserve & cherish with Spain.

[1] MSS. Department of State, Despatches to Consuls, X. 364.

You will not fail to write often to this Dept. detailing all the information having a bearing on our public interests, which you may be enabled to obtain.

I am, &c.

J. Buchanan.

A copy of the foregoing letter was sent addressed to the U. S. Consuls at Matanzas—Trinidad, St. Iago de Cuba—St. Johns P. R.—Mayaguez—Ponce & Guayama.—

TO MR. IRVING.[1]

(No. 52.) Department of State,
Washington, 14th May, 1846.

Washington Irving, Esqre.,
&c., &c., Madrid.

Sir:

Enclosed, I transmit to you, in haste, an extract from a despatch which I have forwarded to General Campbell our Consul at the Havana, and which I shall forward to-morrow to our other Consuls in Cuba and Porto-Rico.

This extract will sufficiently explain itself. I would suggest to you the propriety of bringing this important subject to the attention of the Minister for Foreign Affairs at Madrid, and asking him to transmit instructions to the Authorities of Cuba and Porto-Rico to be vigilant in executing the stipulations of the 14th Article of our Treaty with Spain of 1795. Your ability and discretion are relied upon with confidence in selecting the best manner of performing this duty.

General Saunders will leave the United States for Madrid, during the present month; and, in the existing crisis of affairs, I hope it may suit your convenience to remain at your post until after his arrival.

I am, Sir, respectfully,

Your obedient servant,

James Buchanan.

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[1] MSS. Department of State, Instructions, Spain, XIV. 201.

TO THE CHEVALIER HÜLSEMANN.[1]

DEPARTMENT OF STATE,
WASHINGTON, 18th May, 1846.

CHEV: HULSEMANN, ESQRE.,
&c., &c., Austria.

SIR: I have the honor to acknowledge the receipt of your note of the 7th instant, referring to the one which you addressed to this Department on the 25th of November last, communicating the complaint of some masters of Austrian merchant vessels, in regard to the inconveniences to which they had been subjected at New-Orleans by the intervention of the judicial authorities of that place, in questions arising between themselves and their crews. In order that measures may be taken to cause such intervention to cease, you refer to the existing Treaties between the United States and Russia, Sweden and other Nations, as securing to the Consuls of the respective parties the exclusive right to sit as Judges and arbitrators in differences arising between the captains and crews of the vessels of the respective nations, and you cite, also, the Tenth Article of the Treaty between the United States and Austria, as securing the same right to Austrian Consuls, inasmuch as it stipulates that they "shall enjoy the same privileges and powers as those of the most favored nations."

From the enclosed copy of a Report presented to the House of Representatives in March last, by the Committee on Foreign Affairs, it will be perceived, that, at the time when your first communication was received, the execution of the stipulation on this subject contained in the Treaty between the United States and Prussia, had, notwithstanding the very clear and express manner in which the right under consideration is thereby secured to the Consuls of that nation, encountered difficulties on the part of the Judicial authorities, which, until removed, deprived it of all practical effect; and which could be removed only by express legislation, specially adapted to the terms of that stipulation.

Under these circumstances, and until Congress should have acted on the subject, any steps taken with a view to secure the same right to the Consuls of a nation, in whose favor it has not been expressly stipulated, could not but have proved fruitless. The contemplated legislation has not yet taken place; but even after the practical difficulty which calls for it shall have been

[1] MSS. Department of State, Notes to German States, VI. 130.

removed, in regard to the Treaty with Prussia and others of the same kind, there is another question which cannot fail to present itself to the Judicial authorities, with respect to any claim to the enjoyment of the same right, which may be advanced on behalf of Consuls to whom it shall not have been secured in express terms. The question will be, whether it can be claimed under the general stipulation of the most favored nation. And, however disposed the State authorities may be to conform to a Treaty in which this right is expressly established, it is exceedingly questionable whether they would regard it as established by that general stipulation merely; and whether they would consider it a sufficient ground for relinquishing the jurisdiction over persons and things which it is alike their right and their duty to maintain within their respective territorial limits, so long as such jurisdiction is not superseded by the paramount authority conferred by the Federal Constitution upon Treaties. This authority it cannot be expected that they will recognise, except so far as may plainly be required by a just and fair interpretation of the stipulations appealed to, whatever these may be. And, seeing that the right now under consideration, where it can be claimed under a Treaty wherein it is expressly conferred, is, in every such instance, given in exchange for the very same right conferred in terms equally express upon the Consuls of the United States; it cannot be expected that it will be considered as established by the operation of a general provision, which, if it were allowed so to operate, would destroy all reciprocity in this regard, leaving the United States without that equivalent in favor of their Consuls, which is the consideration received by them for the grant of this right wherever expressly granted.

With a view to the possible extension of this right to the Consuls of other nations under express reciprocal stipulations, it has been recommended by this Department, that the Bill, now before Congress, be so framed that its provisions shall apply not only to existing Treaties, but to those which may hereafter be entered into.

I avail myself of this occasion to renew to the Chevalier Hülsemann assurances of my distinguished consideration.

JAMES BUCHANAN.

TO MR. PAKENHAM.[1]

DEPARTMENT OF STATE,
WASHINGTON, 18th May, 1846.

SIR: I have the honor to inform you that, in accordance with the suggestion contained in the President's message to Congress, of the 23d of March last, submitting to that body the propriety of making provision to carry into effect the agreement recently entered into for the adjustment and payment of the claims of the respective Governments of the United States and Great Britain, upon each other, arising from the collection of certain import duties in violation of the second article of their commercial convention of the 3d of July, 1815, an act was passed on the 8th instant, appropriating the sum of one hundred thousand dollars, for refunding duties collected in the ports of the United States contrary to the terms of that convention.

The Secretary of the Treasury has accordingly given notice to all persons interested, that, on the presentation of their claims to that Department, they will be duly examined and settled. A copy of this notification, to which due publicity has been given, is herewith transmitted.

I avail myself of the occasion to renew to you the assurance of my high consideration.

JAMES BUCHANAN.

THE RIGHT HONBLE. RICHARD PAKENHAM, &c., &c., &c.

TO MR. FISHER.[2]

DEPARTMENT OF STATE,
WASHINGTON 22 May 1846.

JOHN W. FISHER
U. S. C. Guadeloupe.

SIR,

The French Minister in this City has communicated to this Department a copy of a Despatch addressed to him by the Minister of Foreign Affairs, in which complaint is made, that you have persisted in hoisting your official flag over your house, in

[1] H. Ex. Doc. 38, 30 Cong. 1 Sess. 20; MS. Notes to Great Britain, VII. 140.

[2] MSS. Department of State, Despatches to Consuls, XII. 209.

defiance of the expressed desire of the local Authorities of the Island.

Each Nation has the right to decide whether Foreign Consuls within its limits shall hoist the flag of their Country. The French Minister informs me that this is not permitted in Guadeloupe. You will, therefore, conform to the regulations there existing and not persist in hoisting your flag against the will of the public Authorities. Should the Consuls of other nations enjoy privileges of the flag which are denied to the American Consul, you will immediately communicate this fact to the Department.—This will then be a question for the two Governments, not for yourself to decide.

I am, Sir, Respectfully

Your obedient Servant

JAMES BUCHANAN.

TO MR. LIVINGSTON.[1]

DEPARTMENT OF STATE,
WASHINGTON, 23rd May, 1846.

JASPER H. LIVINGSTON, ESQRE.,
late Secretary of Legation,—Madrid.

SIR:

I have just received yours of the 12th ultimo, and hasten to give it an answer. The information which you had heard was correct. General Saunders was not only willing but anxious that you should retain the office of Secretary of Legation at Madrid. There was no disposition in any quarter to make a change; because it was believed that your services in the Legation with a new Minister might be valuable.

But your letter has arrived too late. We all regretted your resignation. Indeed General Saunders has been delayed in proceeding upon his mission by the difficulty experienced in selecting a suitable person to take your place. At length, however, his choice, and that of the President, fell upon T. Caute Reynolds, of Virginia, who was commissioned on the 15th instant as your successor.

I am, Sir, respectfully,

Your obedient servant.

JAMES BUCHANAN.

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[1] MSS. Department of State, Instructions, Spain, XIV. 206.

TO MR. HARRISON.[1]

DEPARTMENT OF STATE,
WASHINGTON, 25 May. 1846.

R. M. HARRISON ESQRE.
U. S. C. Kingston, Ja.

SIR: I have received your letter (No. 345,) of the 22d Ulto: informing me that Capt. Major Rogers Frisbie of New Haven, Connecticut, who was some time ago committed to gaol at Montego Bay to stand his trial in the Vice Admiralty Court of Jamaica, on a charge of piracy for abducting, carrying away, & selling into slavery two British Subjects—had left Kingston in a clandestine manner, having embarked on board of an American Vessel, bound for New York on the 18th of the same month, whilst under bond to appear & stand his trial in the above named Court on the 10th of August next. You state, that Mr. Alfred E. Robbins, a friend of yours, is surety for the appearance of Mr. Frisbie, in the sum of £500 Sterling, for which amount you are responsible, & you earnestly invoke the aid of this Department, in causing his arrest & detention until his innocence of the alleged offence shall be fully proved, and in causing instructions to be given to our Minister at London, to represent the case to the proper Department of Her Majesty's Government, so that if forfeited the penalty of the Bond given by Mr. Robbins may never be exacted.

I have attentively read your communication, and cannot but admit, that, after all the generous zeal so actively manifested by you in behalf of Frisbie, your case is a very hard one. But whilst sincerely sympathizing in the feelings which his most ungrateful return for your kindness has occasioned, and truly regretting the difficulties in which his misconduct has involved you, I find myself unable to afford you assistance in causing Frisbie to be arrested, with a view to securing you from the pecuniary penalty to which his non appearance will subject you. The only feasible way of effecting the object would be by an application to this Government, in the usual form, through the British Minister at Washington, at the instance of the proper authorities of Jamaica, for the surrender of Capt. Frisbie in accordance with the provisions of the tenth Article of the Treaty of Washington of 9th August 1842.

I am Sir &c. JAMES BUCHANAN.

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[1] MSS. Department of State, Despatches to Consuls, XII. 210.

TO MR. McLANE.[1]

DEPARTMENT OF STATE,
WASHINGTON, 26th May, 1846.

LOUIS McLANE, ESQRE.,
&c., &c., &c.

SIR:

I transmit to you, herewith, the duplicate of a despatch (No. 345,) recently received here from Robert Monroe Harrison, the Consul of the United States at Kingston, Jamaica, together with copies of other papers relating to the case of Captain Major Rogers Frisbie, of New-Haven, Connecticut, who was some months since committed to gaol at Montego Bay, to stand his trial in the Vice Admiralty Court of the Island, on a charge of piracy, for abducting, carrying away, and selling into slavery, two British subjects. You will see from these documents that Captain Frisbie has clandestinely left Kingston, and has thus involved the American Consul in difficulty, and may ultimately render him responsible for the amount named in a bond given by Mr. Alfred E. Robbins, at Mr. Harrison's instance, for the appearance of Captain Frisbie to stand his trial in the above mentioned Court, on the 10th of August next. Mr. Harrison, in reply to his appeal to this Department for its aid in causing the arrest of the fugitive, with the view of securing his surety from the pecuniary penalty to which he may be subjected by the non-appearance of Captain Frisbie, has been informed that it could not be afforded.

I have little or no doubt that Captain Frisbie, though of bad general character, is guiltless of the offence alleged against him on this occasion, and that if the case should be regularly brought to trial, his innocence would appear. This consideration, whilst it tends to heighten the turpitude of his conduct towards Mr. Harrison in absconding, gives the American Consul a still stronger claim to sympathy, and will perhaps warrant the informal intervention of this Government in his favor. I have therefore to request the exercise of your good offices in his behalf, in order to avert the ruinous consequences to which the non-appearance of Captain Frisbie might lead. A frank and full oral representation of the whole case, made either to the Principal Secretary of State for Foreign Affairs, or to the Secretary

[1] MSS. Department of State, Instructions, Great Britain, XV. 294.

of State of the Colonial Department, as you may think most expedient, would probably be favorably received. You are accordingly authorized in any interview you may have with either of them on this subject, freely to use the papers now sent in explanation of the case, and to exert your best endeavors to procure the adoption of proper instructions, on the part of the Home Government, to the authorities in Jamaica, to waive the exaction of the penalty named in the bond given by Mr. Robbins, if it shall become forfeit. Should insurmountable objection exist to give such instructions, you might then propose, in lieu of them, that the proper officer of the Vice Admiralty Court may be directed to suspend the suit on the bond until a reasonable time shall have been allowed for the collection and transmission of documentary proof of his innocence, which, it is believed, will be absolutely conclusive.

Mr. Harrison enjoys the highest character for probity; and the fact that he is extremely poor is doubtless well known at Kingston.

I am, Sir, with great respect,

Your obedient servant,

JAMES BUCHANAN.

PRESIDENT POLK'S MESSAGE

ON A TREATY WITH PERU.[1]

[May 26, 1846.]

TO THE SENATE OF THE UNITED STATES:

A convention was concluded at Lima, on 17th March, 1841, between the United States and the Republic of Peru, for the adjustment of claims of our citizens upon that Republic. It was stipulated by the seventh article of this convention that "it shall be ratified by the contracting parties, and the ratifications shall be exchanged within two years from its date, or sooner, if possible, after having been approved by the President and Senate of the United States, and by the Congress of Peru."

This convention was transmitted by the President to the Senate for their consideration during the extra session of 1841, but it did not receive their approbation until the 5th January, 1843. This delay rendered it impracticable that the convention should reach Lima before the 17th March, 1843, the last day when the ratifications could be exchanged under the terms of its seventh article. The Senate, therefore, extended the time for this purpose until the 20th December, 1843.

In the meantime, previous to the 17th March, 1843, General Menendez, the constitutional President of Peru, had ratified the convention, declaring,

[1] Senate Executive Journal, VII. 76–78.

however, in the act of ratification itself (which is without date), that "the present convention and ratification are to be submitted within the time stipulated in the seventh article for the final approbation of the National Congress." This was, however, rendered impossible from the fact that no Peruvian Congress assembled from the date of the convention until the year 1845.

When the convention arrived at Lima, General Menendez had been deposed by a revolution, and General Vivanco had placed himself at the head of the Government. On the 16th July, 1843, the convention was ratified by him in absolute terms without the reference to Congress which the constitution of Peru requires, because, as the ratification states, "under existing circumstances the Government exercises the legislative powers demanded by the necessities of the State." The ratifications were accordingly exchanged at Lima on the 22d July, 1843, and the convention itself was proclaimed at Washington by the President on the 21st day of February, 1844.

In the meantime General Vivanco was deposed, and on the 12th October, 1843, the Government then in existence published a decree declaring all his administrative acts to be null and void; and notwithstanding the earnest and able remonstrances of Mr. Pickett, our chargé d'affaires at Lima, the Peruvian Government have still persisted in declaring that the ratification of the convention by Vivanco was invalid.

After the meeting of the Peruvian Congress in 1845, the convention was submitted to that body, by which it was approved on the 21st October last, "with the condition, however, that the first instalment of $30,000 on account of the principal of the debt thereby recognized, and to which the second article relates, should begin from the 1st day of January, 1846, and the interest on this annual sum, according to article 3, should be calculated and paid from the 1st day of January, 1842, following in all other respects besides this modification the terms of the convention."

I am not in possession of the act of the Congress of Peru containing this provision, but the information is communicated through a note under date of the 15th November, 1845, from the minister of foreign affairs of Peru to the chargé d'affaires of the United States at Lima. A copy of this note has been transmitted to the Department of State both by our chargé d'affaires at Lima and by the Peruvian minister of foreign affairs, and a copy of the same is herewith transmitted.

Under these circumstances, I submit to the Senate for their consideration the amendment to the convention thus proposed by the Congress of Peru, with a view to its ratification. It would have been more satisfactory to have submitted the act itself of the Peruvian Congress, but, on account of the great distance, if I should wait until its arrival another year might be consumed, whilst the American claimants have already been too long delayed in receiving the money justly due to them. Several of the largest of these claimants would, I am informed, be satisfied with the modification of the convention adopted by the Peruvian Congress.

A difficulty may arise in regard to the form of any proceeding which the Senate might think proper to adopt, from the fact that the original convention approved by them was sent to Peru, and was exchanged for the other original, ratified by General Vivanco, which is now in the Department of State. In order to obviate this difficulty as far as may be in my power, I transmit a copy of the convention, under the seal of the United States, on which the Senate might found any action they may deem advisable.

I would suggest that should the Senate advise the adoption of the amendment proposed by the Peruvian Congress, the time for exchanging the ratifications of the amended convention ought to be extended for a considerable period, so as to provide against all accidents in its transmission to Lima.

JAMES K. POLK.

WASHINGTON, May 26, 1846.

TO SEÑOR CALDERON DE LA BARCA.[1]

DEPARTMENT OF STATE,
WASHINGTON, 27th May, 1846.

DON A. CALDERON DE LA BARCA,
&c., &c., &c.

SIR:

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note addressed to him on the 16th instant by Mr. Calderon de la Barca, Her Catholic Majesty's Envoy Extraordinary and Minister Plenipotentiary, referring to certain published statements in regard to a Spanish merchant schooner, laden with merchandize, bound for Matamoras, said, by some, to have been seized, by others, to have been ordered back, by the force under the command of General Taylor, and requesting to be informed of what has in fact occurred in the case.

The reply to Mr. Calderon's note has been postponed from day to day, in the expectation that a little delay might put the Department in possession of the information which Mr. Calderon desires to obtain. To this day, however, it remains without intelligence on the subject, of any such case as the one referred to. All the information possessed by the Undersigned in regard to the blockade of the mouth of the Rio Grande, or to any incidents arising out of it, is contained in General Taylor's despatches to the Secretary of War, of April 15th and 23rd, and the correspondence between General Taylor and the Mexican General Ampudia,—communicated by the former with his despatch. Mr. Calderon will find these documents in the enclosed copy of the President's Message to Congress, of the 11th instant; and he will see that no mention is therein made of any Spanish vessel having been seized or ordered away from the blockaded port.

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[1] MSS. Department of State, Notes to Spanish Legation, VI. 138.

The Undersigned avails himself of this occasion to renew to Don A. Calderon de la Barca, assurances of his distinguished consideration.

JAMES BUCHANAN.

MESSAGE OF PRESIDENT POLK

ON THE REFUND OF DUTIES.[1]

[May 28, 1846.]

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

I transmit a copy of a note, under date the 26th instant, from the envoy extraordinary and minister plenipotentiary of Her Britannic Majesty to the Secretary of State, communicating a dispatch, under date of the 4th instant, received by him from Her Majesty's principal secretary of state for foreign affairs.

From these it will be seen that the claims of the two Governments upon each other for a return of duties which had been levied in violation of the commercial convention of 1815 have been finally and satisfactorily adjusted. In making this communication, I deem it proper to express my satisfaction at the prompt manner in which the British Government has acceded to the suggestion of the Secretary of State for the speedy termination of this affair.

JAMES K. POLK.

WASHINGTON, May 28, 1846.

TO MR. HARRISON.[2]

DEPARTMENT OF STATE,
WASHINGTON May 29. 1846.

R. M. HARRISON ESQRE.
U. S. C. Kingston Ja.

SIR,

In a despatch under date the 25th inst. addressed to you by this Department, in reply to your No. 345, in which you inform me that Captain Frisbie had run away, leaving you responsible as his surety, and request that measures be taken by this Department to cause him to be arrested, I stated that the only feasible way of effecting this object "would be by an application to this Government in the usual form through the British Minister at Washington, at the instance of the Authorities of Jamaica for the surrender of Capt. Frisbie in accordance with the provisions of the tenth Article of the Treaty of Washington of 9th

[1] S. Doc. 363, 29 Cong. 1 Sess.

[2] MSS. Department of State, Despatches to Consuls, XII. 213.

August 1842." On further consideration and reference to the terms of this Treaty, I am satisfied that the case of Capt. Frisbie is not covered by its provisions, the offence with which he stands charged not being one of those therein enumerated.

Our Minister at London has been requested informally to represent your case to that Government in the hope that under the peculiar circumstances in which you were placed, the penalty of the Bond, if forfeited, may not be exacted. Should he fail in obtaining that relief, he is further requested to procure such reasonable postponement of the trial of Frisbie, as may enable you to collect all available evidence to establish his innocence of the crime with which he stands charged.

I am Sir &c.

JAMES BUCHANAN.

TO MR. JEWETT.[1]

DEPARTMENT OF STATE,
WASHINGTON, 1st June, 1846.

To A. G. JEWETT, ESQUIRE,
&c. &c. &c.

SIR:

Herewith I transmit you a copy of our Convention with Peru of the 17th March, 1841, with the modification proposed by the Peruvian Congress and ratified by the President, by and with the advice and consent of the Senate. I regret that you had not procured and transmitted to this Department a copy of the act of Congress itself. In its absence, the President and Senate, as you will perceive, have adopted the modification according to the language employed by the Peruvian Minister of Foreign Relations in his note to you of the 15th November, last.

You will lose no time in proposing to that Minister, according to his own suggestion, an exchange of the ratifications of this Convention. A corresponding copy of the Convention with a similar modification ratified by the President of Peru ought to be exchanged with you for the copy herewith transmitted. This you will have accomplished with the least possible delay, consistently with the forms of courtesy proper to be observed on such occasions.

To provide against contingencies, a Power to exchange the

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[1] MSS. Department of State, Instructions, Peru, XV. 48.

ratifications (which is herewith transmitted) has been given to Commander William W. McKean of the United States Navy and Stanhope Prevost, Esquire, our Consul at Lima, to be used in case of your absence.

I also send you a copy of the President's Message to the Senate of the 26th ultimo with the accompanying documents on which the proceedings of that Body were founded.

After consulting the principal claimants under the Convention I found they were not only willing but anxious that it should be ratified with the modification proposed by the Congress of Peru.

Their consent to this modification has been reduced to writing and is now on file in this Department.

I also transmit to you the copy of a letter from the Peruvian Minister of Foreign Relations to this Department of the 30th December, 1845, together with a copy of my answer of this date; so that you may have the whole case before you.

The President regrets that you appear to be on such unfriendly terms with the Government of Peru. It is a primary duty of a diplomatic agent to cultivate the good will of the authorities of the country to which he is accredited. Without this, his usefulness must be very much impaired. It is impossible that you can reform either the morals or the politics of Peru, and as this is no part of your mission, prudence requires that you should not condemn them in public conversations. You ought to take its institutions and its people just as you find them and endeavor to make the best of them for the benefit of your own country, so far as this can be done consistently with the national interest and honor.

The Peruvian Minister complains that you have not, according to custom, given him the title of Excellency, or Honorable, in communications to him. If such be the fact, I regret it. This you may consider as a small matter in itself, but yet such breaches of established etiquette often give greater offence than real injuries. This is emphatically the case in regard to the Spanish race. They have ever been peculiarly tenacious in requiring the observance of such forms. However ridiculous this may appear to us, it is with them a matter of substance.

The United States Sloop of War "Dale," Captain McKean, will carry you this despatch. She will sail to-morrow from New York to join our fleet on the North West Coast of America and will remain at Callao for a few days. I received this infor-

mation at so late a period, that I have not time before her departure to prepare despatches for you on other subjects. This I shall do by the next more direct opportunity.

In the mean time permit me to express the earnest hope of the President that you will so conduct yourself in your highly responsible position as to give no offence to the Peruvian Government which can be avoided. In pursuing this course you will best promote the interest of your country as well as your own usefulness.

Your despatches to No. 6, inclusive, have been received at this Department.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

TO THE PERUVIAN MINISTER OF FOREIGN AFFAIRS.[1]

[June 1, 1846.]

TO HIS EXCELLENCY, THE MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF PERU.

The Undersigned, Secretary of State of the United States, has had the honor to receive the letter of His Excellency Don José G. Paz y Soldan, the Minister of Foreign Relations of Peru, dated at Lima on the 30th December, last. It is sincerely regretted that any misunderstanding should have arisen between the Chargé d'Affaires of the United States and His Excellency Mr. Paz, and such instructions will be given to that gentleman as will, it is hoped, prevent the recurrence of similar difficulties. The Government of the United States is anxious to preserve the most friendly relations with our sister Republics upon this continent. It views with lively interest all that may tend to promote their power, prosperity and peace. The undersigned is therefore happy to learn that "the constitutional system has been re-established in Peru, and that the most Excellent Don Ramon Castilla now governs the Republic by the choice of the people and the Proclamation of Congress."

Animated by these friendly feelings, the President of the United States transmitted a Message to the Senate on the 26th

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[1] MSS. Department of State, Communications to Foreign Sovereigns and States, II. 340.

instant, communicating copies of His Excellency Mr. Paz's letter of the 15th November, last, to Mr. Jewett, and of the Convention of the 17th March, 1841 (all of which the undersigned has now the honor to transmit in print) whereupon that Body advised and consented to the modification of the Convention adopted by the Congress of Peru on the 21st October last in the very terms of Mr. Paz's letter. A copy of this Convention thus modified ratified in due form by the President of the United States will be transmitted to Mr. Jewett, our Chargé d'Affaires, by the sloop of war "Dale," which has been ordered to touch at Callao for this purpose on her passage to join the American fleet on the North West Coast.

The Undersigned will now express the earnest hope that the ratifications of the amended Convention may be exchanged and that the first instalment due under it may be paid with the least possible delay. The claimants have been long postponed in receiving what is justly their due. In consideration of the revolutionary condition from which Peru has now been happily relieved, the Government of the United States has borne this delay with friendly patience. This reason no longer existing, the undersigned confidently trusts that the Government of Peru will manifest the utmost promptness and punctuality in doing justice to the claimants and in complying with the faith of Treaties.

The Undersigned avails himself of this occasion to offer Your Excellency the assurance of his most distinguished consideration.

JAMES BUCHANAN.

DEPARTMENT OF STATE,
WASHINGTON, 1st June, 1846.

TO MR. WICKLIFFE.[1]

(No. 13.) DEPARTMENT OF STATE,
WASHINGTON, 1st June, 1846.

ROBERT WICKLIFFE, JR., ESQRE.,
&c., &c., Sardinia.

SIR:

I transmit a copy of a letter addressed to this Department on the 22nd December last, by Mr. J. P. Brown, 1st Dragoman of the United States Legation in Turkey, and at the time temporarily in charge of the Legation and Consulate; together with a copy of the correspondence therein referred to, between the United States Consulate and the Sardinian Legation, growing out of a law suit, in which Mr. C. Oscanyan, a naturalized American citizen, and the Messrs. Berzolese, Sardinian subjects, were the parties.

The papers fully explain the case, and the ground of Mr. Oscanyan's complaint against the Sardinian Mission at Constantinople, for a refusal of justice, in declining to receive his claim against the Messrs. Berzolese, which had been presented to it as the only tribunal of competent jurisdiction within reach. This denial of right has compelled Mr. Oscanyan to appeal to this Government for interference in his behalf with the Government of Sardinia, to which cognizance of the case ultimately belongs. It is difficult to comprehend what motives governed the Representative of Sardinia on this occasion. These have no doubt been communicated to his own Government; and I am directed by the President to instruct you to bring the circumstances of the case to its knowledge, and to express his confident expectation that the subject will receive from it the attention which justice seems so loudly to call for, and that an early decision will be the result.

Your despatches to No. 36 inclusive.—a letter not numbered, of the 25th March, and your accounts and vouchers for the first quarter of the present year, which were not accompanied by any despatch,—have been received at this Department.

I am, Sir, respectfully,

Your obedient servant,

JAMES BUCHANAN.

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[1] MSS. Department of State, Instructions, Italy, I. 33. Mr. Wickliffe was commissioned chargé d'affaires to Sardinia, Sept. 22, 1843. He wrote to the minister of foreign affairs from Aix-la-Chapelle, enclosing his letter of recall, about May 6, 1848.

TO THE PRESIDENT.[1]

DEPARTMENT OF STATE,
WASHINGTON, June 2, 1846.

The Secretary of State, to whom was referred the resolution of the Senate of the 22nd ultimo, requesting the President to communicate to the Senate, if in his opinion it may be done without prejudice to the public interests, any information in his possession relative to the demand made by the Governments of England and France, or either of them, upon the State of Texas, on the subject of the execution by Texas of the treaties subsisting between that state when an independent republic, and England & France;

"Also such documents as may be in his possession growing out of or relating to such demand, together with a copy of such treaties;" has now the honor to submit to the President a copy of a letter addressed to this Department under date the 21st February, last, by Governor Henderson of Texas, and of the correspondence therein referred to; and also a copy of the Treaty between Texas and France of the 25th September 1839, and of that between Texas and Great Britain of the 13th November, 1840, which are all the papers on the file of this Department relating to the resolution.

It is understood that a supplemental Treaty existed between Texas and Great Britain, but of this there has never been a copy in the Department.

Respectfully submitted,

JAMES BUCHANAN.

TO THE PRESIDENT OF THE UNITED STATES.

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[1] S. Doc. 375, 29 Cong. 1 Sess.; MS. Report Book, VI. 200. This report was sent by President Polk to the Senate, June 5, 1846. (S. Doc. 375, 29 Cong. 1 Sess.)

TO MR. PAKENHAM.[1]

DEPARTMENT OF STATE,
WASHINGTON, 4th June, 1846.

THE RIGHT HONBLE. R. PAKENHAM,
&c., &c., &c.

SIR:

I have the honor of communicating to you the copy of a letter dated on the 4th ultimo, addressed to this Department by George W. Coffin, Esqre., the Land Agent of the State of Massachusetts and the Honorable Mr. Hamlin, a representative in Congress from the State of Maine.

You will perceive from this letter that these gentlemen, in behalf of their respective States, object to the account rendered by the authorities of New Brunswick, under the 5th article of the treaty of Washington, of the receipts and expenditures of "the Disputed Territory Fund."

The objection that the expenditures from this fund are not stated in sufficient detail, appears to be well founded. The fifth article of the treaty requires, "that a correct account of all receipts and payments on the said fund shall be delivered to the Government of the United States" within six months after its ratification. Without a more detailed statement of the items composing the expenditure than is contained in the account, it is impossible that the authorities of the States of Maine and Massachusetts can judge which of them, if any, are fairly chargeable upon the fund.

Judging from the nature of the case, it is difficult to conceive how the charges properly incident to this fund could amount to £4,981–18–1, while the whole fund itself in which Maine and Massachusetts are interested, is stated to be only £8,407–15–4½. This is a deduction of nearly sixty per cent. for the cost of its management. From the nature of the case, this would seem to be an extravagant charge. The treaty of Washington has determined that the land on which the timber stood belonged to the States of Maine and Massachusetts, and that having been cut under permits from these States, it rightfully belonged to the individuals from whose possession it was taken by the agents of New Brunswick. These States, therefore, maintain that they are entitled "to the gross amount received, subject only to such

[1] MSS. Department of State, Notes to Great Britain, VII. 141.

incidental charges as would have necessarily occurred had it not been taken out of our [their] hands."

You will, therefore, greatly oblige me by procuring from the authorities of New Brunswick a detailed account, or bill of particulars, of the expenditures charged against this fund, together with the reasons which, in their judgment, render it chargeable with these expenditures.

You will also be kind enough to obtain from these authorities a statement in detail of the sums received by them for timber cut within the present limits of Maine, prior to 1829. Maine and Massachusetts allege that "there was a very large amount of timber taken from the territory, under permits issued from the authorities of the Province previous to the year 1829, of which no account is rendered, and which ought to have been included from the beginning."

It would seem that no reasonable objection can exist to the immediate surrender of the bonds referred to in the 5th article of the treaty. According to this article, these bonds ought long since to have been delivered over to the Government of the United States. More than three years have already elapsed since the ratification of the treaty, whilst this simple stipulation still remains unexecuted. Both the principals and sureties in these bonds have been subjected to great inconvenience in consequence of this delay.

The adjustment of the amount due from the "Disputed Territory Fund" may have, with reason, postponed the payment of the money; but it would be difficult to discover any valid reason for the delay in delivering up the bonds according to the treaty.

May I invoke your good offices with the Government of New Brunswick to cause these bonds to be delivered to the Government of the United States without further delay?

I avail myself of this occasion to renew to you the assurance of my high consideration.

JAMES BUCHANAN.

TO THE PRESIDENT.[1]

DEPARTMENT OF STATE,
WASHINGTON, 5 June, 1846.

The Secretary of State, to whom has been referred the resolutions of the Senate of the 10th, 11th, and 22d of April last, requesting the President to communicate to that body, if not incompatible with the public interest, "all correspondence between the Government of the United States and that of Great Britain in the years 1840, 1841, 1842 and 1843, respecting the right or practice of visiting or searching merchant vessels in time of peace;" and also

"The protest addressed by the Minister of the United States at Paris in the year 1842 against the concurrence of France in the quintuple treaty, together with all correspondence relating thereto," has the honor of reporting to the President the accompanying copies of papers.

Respectfully submitted,

JAMES BUCHANAN.

TO THE PRESIDENT OF THE UNITED STATES.

TO MR. WALLEY.[2]

DEPARTMENT OF STATE,
WASHINGTON, June 5. 1846.

SAMUEL S. WALLEY, ESQ.
(care of Dr. Thos. P. Jones, Washington)

SIR:

Your letter of the 4th instant, communicating "a plan for the cheap and efficient protection of our bays, harbors," &c., by means of submarine explosion, has been received and referred to the Secretary of the Navy. My time is so engrossed by the duties of this Department, that it is entirely out of my power to give any attention to other subjects. It is evident, however, from your letter, that the plan proposed by you is the result of very full and mature consideration; and if the five conditions

[1] MS. Report Book, VI. 201; S. Doc. 377, 29 Cong. 1 Sess. This report was sent by President Polk to the Senate, June 6, 1846. (S. Doc. 377, 29 Cong. 1 Sess.)

[2] MSS. Department of State, 36 Domestic Letters, 26.

which you speak of as necessary to be fulfilled in order to accomplish the object in view, are met by your plan in a manner free from all serious practical objections, it cannot fail, I think, to prove highly useful. You will, at any rate, have the satisfaction of knowing that you have spared neither time nor pains in endeavors to contribute to the security of your country from foreign aggression.

I am &c.

JAMES BUCHANAN.

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